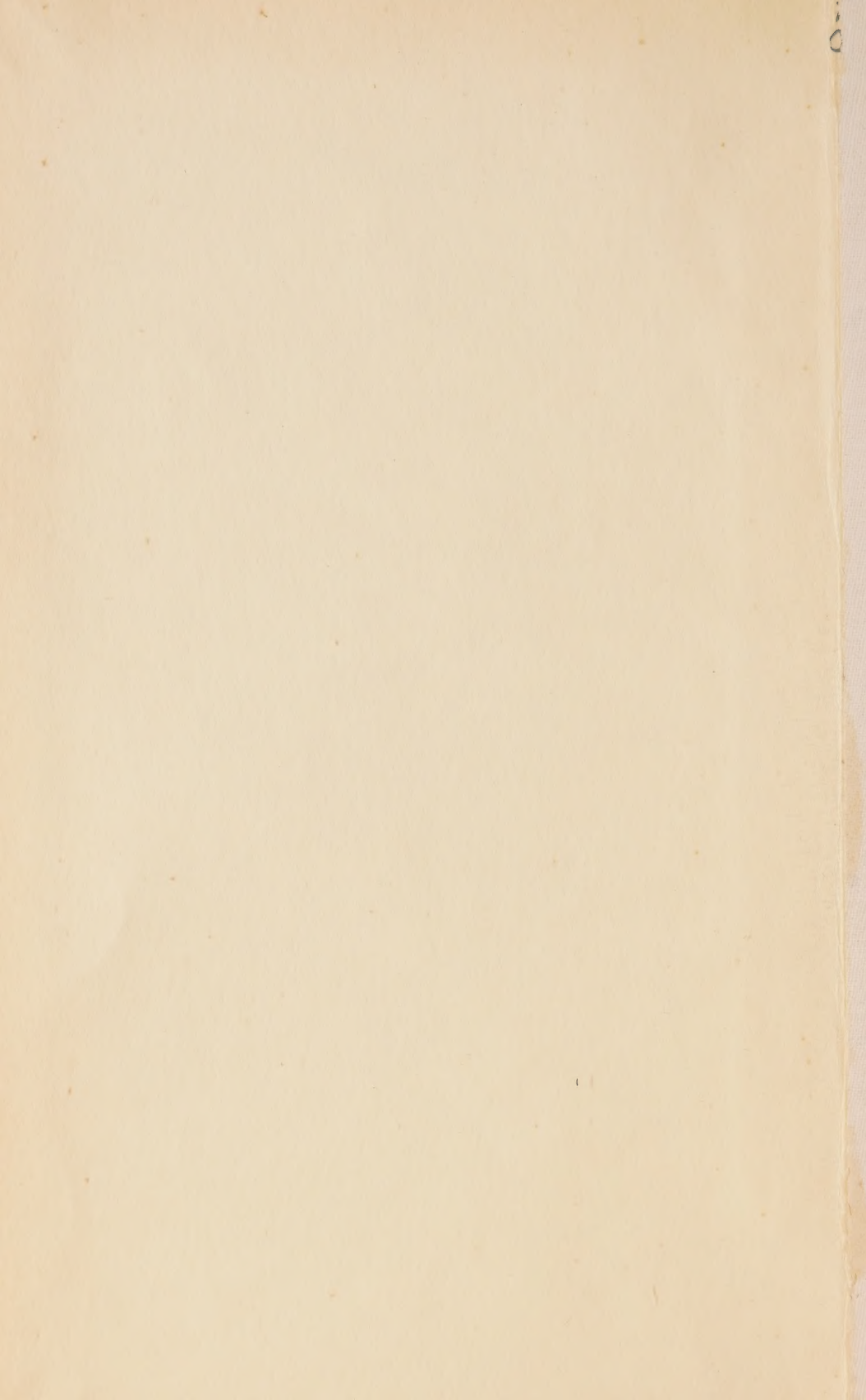


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108

STATUTES OF THE PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE
FIFTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the 4th Session of the Seventh Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE FOURTEENTH DAY OF FEBRUARY IN THE YEAR
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-FOUR.



34483
20/7/94

HIS HONOUR
THE HONOURABLE GEORGE AIREY KIRKPATRICK,
LIEUTENANT-GOVERNOR.

TORONTO:
PRINTED BY L. R. CAMERON,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1894.



WARWICK BROS. & RUTTER,
PRINTERS, BOOK BINDERS, ETC.
TORONTO.

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57 VICTORIA.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-four, and for other purposes therein mentioned.

Assented to 5th May, 1894.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Preamble.
Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-four ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and fourteen thousand one hundred and twenty dollars and ninety-four cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand

\$3,614,120.94
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

1 (s.)

eight

eight hundred and ninety-four as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-five as set forth in schedule B to this Act.

Accounts to be
laid before the
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting

Unexpended
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-four, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to Her
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-four and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House	\$1,950 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	20,150 00
Education Department	19,950 00
Crown Lands Department	57,800 00
Department of Public Works	21,650 00
Inspection of Public Institutions	15,200 00
Treasury Department	42,150 00

CIVIL GOVERNMENT.

CIVIL GOVERNMENT.—*Continued.*

Department of Agriculture	16,700	00
Secretary and Registrar's Department.....	19,680	00
Department of Immigration	1,800	00
Provincial Board of Health	7,270	00
Insurance Branch	6,300	00
Miscellaneous	9,650	00
		<hr/>
		\$244,230 00

LEGISLATION.

To defray expenses of Legislation.....	124,300	00
--	---------	----

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	66,548	00
Surrogate Judges and Local Masters.....	23 430	00
Miscellaneous Criminal and Civil Justice	326,572	84
		<hr/>
		416,550 84

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$242,794	66
Schools in Unorganized Districts and Poor		
Schools	45,000	00
Kindergarten Schools	3,000	00
Night Schools.....	1,000	00
Public School Leaving Examinations	3,000	00
High Schools and Collegiate Institutes.....	100,000	00
Model Schools.....	9,150	00
Special grant to French Training School.....	800	00
do Public Schools in unorganized		
districts for training District Teachers..	1,000	00
Teachers' Institutes	2,400	00
Inspection of Schools.....	59,670	00
Departmental Examinations.....	19,550	00
Ontario School of Pedagogy (maintenance)..	6,807	50
Normal and Model Schools, Toronto.....	24,040	00
" " " Ottawa.....	22,410	00
Library and Museum	5,350	00
School of Practical Science.....	20,120	00
Mechanics' Institutes, Art Schools, Literary and		
Scientific	54,700	00
Miscellaneous	3,000	00
Superannuated and Public and High School		
Teachers	61,300	00
		<hr/>
		\$685,192 16

PUBLIC

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$ 99,473 00	
Mimico Branch.....	71,050 00	
Asylum for the Insane, London	129,404 00	
Asylum for the Insane, Kingston.....	79,094 00	
Asylum for the Insane, Hamilton.....	114,333 00	
Asylum for Insane, Brockville	15,000 00	
Asylum for Idiots, Orillia	61,162 00	
Central Prison, Toronto	58,975 00	
Provincial Reformatory, Penetanguishene.....	35,810 00	
Institution for the Deaf and Dumb, Belleville...	45,359 00	
Institution for the Blind, Brantford.....	35,423 00	
Mercer Reformatory for Females	26,980 00	
		<hr/>
		772,063 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	8,225 00
--	----------

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture....	178,925 00
---	------------

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$ 183,059 07
--	---------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 7,500 00	
Old Parliament Buildings.....	1,200 00	
New Parliament Buildings, exclusive of furniture and furnishings.....	26,760 00	
Furniture and furnishings for New Parliament Buildings, exclusive of Departments.	2,000 00	
Furniture and furnishings for Attorney-General's Department	200 00	}
Departmental cleaning	200 00	
Furniture and Furnishings for Crown Lands Department	200 00	}
Departmental cleaning	350 00	
To complete equipment of Vaults.....	450 00	}
Furniture and furnishings for Treasury Department.....	200 00	
Office and Vault fittings and furnishings—to cover unpaid accounts, 1893.....	902 76	}
Departmental cleaning	350 00	

MAINTENANCE,

MAINTENANCE.—*Continued.*

Furniture and furnishings for Provincial Secretary's Department	1,200 00	}
Departmental cleaning, Inspector's Department Office and Vault fittings and furnishings (unpaid accounts, 1893)	275 00	
Departmental cleaning	576 05	
Furniture and furnishings for Department of Agriculture	400 00	}
Vault fittings (unpaid accounts of 1893)	500 00	
Departmental cleaning	231 00	
Furniture and furnishings for Department of Public Works	250 00	}
Vault fittings (unpaid accounts of 1893)	200 00	
Education Department (Normal School Building)	83 70	
Miscellaneous	9,200 00	
Normal School, Ottawa	3,320 00	
School of Practical Science	4,076 00	
Agricultural College	3,100 00	
Osgoode Hall	6,750 00	
	8,840 00	
		\$79,314 51

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 9,900 00	
Mimico Cottages	17,300 00	
Asylum for the Insane, London	12,900 00	
Asylum for the Insane, Hamilton	26,230 00	
Asylum for the Insane, Kingston	28,680 00	
Asylum for the Insane, Brockville	7,500 00	
Asylum for Idiots, Orillia	8,350 00	
Reformatory, Penetanguishene	5,050 00	
Reformatory for Females, Toronto	3,900 00	
Central Prison, Toronto	26,900 00	
Deaf and Dumb Institute, Belleville	10,350 00	
Blind Institute, Brantford	3,700 00	
Agricultural College, Guelph	12,300 00	
Normal School and Education Depart't, Toronto	2,000 00	
Normal School, Ottawa	9,900 00	
School of Practical Science, Toronto	12,650 00	
Osgoode Hall, Toronto	5,100 00	
Government House, Toronto	3,000 00	
District of Algoma	2,400 00	
Thunder Bay District	400 00	
Rainy River District	500 00	
Muskoka District	1,300 00	
Parry Sound District	1,100 00	
Nipissing District	14,650 00	
Miscellaneous	800 00	
New Parliament Buildings, equipment, etc.	22,280 00	
“ “ construction	1,500 00	
		\$250,640 00
		PUBLIC

PUBLIC WORKS.

To defray expenses of Public Works \$44,392 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs \$118,965 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$125,309 00

REFUNDS.

Education	\$ 1,000 00	
Crown Lands.....	18,500 00	
Municipalities Fund.....	1,268 60	
Land Improvement Fund.....	2,546 26	
	<hr/>	\$23,314 86

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure \$229,640 50

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... \$50,000 00

Total estimates for expenditure of 1894..... \$3,534,120 94

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-five, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1895..... \$ 80,000 00

Total..... \$3,614,120 94

CHAPTER 2.

An Act respecting the Representation of certain Cities in the Legislative Assembly.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The city of Toronto shall be divided into four electoral districts to be called respectively:—

The Electoral District of East Toronto,
The Electoral District of North Toronto,
The Electoral District of South Toronto,
The Electoral District of West Toronto,

Electoral
divisions of
Toronto.

and each electoral district shall be represented in the Legislative Assembly by one member.

(2) The Electoral District of East Toronto shall consist of the present ward No. 1 and that part of the present ward No. 2 lying south of the centre line of Carlton street and east of the centre line of Sherbourne street, and also that part of the city of Toronto known as "Toronto Island."

(3) The Electoral District of North Toronto shall consist of all that part of the city lying north of the centre line of Carlton street and College avenue, bounded on the east by the centre line of Sumach street and said line produced northerly to the north boundary of the city, and on the west by the centre line of Palmerston avenue.

(4) The Electoral District of South Toronto shall consist of those parts of the present wards Nos. 2, 3, 4, and 5 lying south of the centre line of Carlton street and College avenue and bounded on the east by the centre line of Sherbourne street, and on the west by the centre line of Tecumseth street and said centre line produced southerly to the bay, and Palmerston avenue.

(5) The Electoral District of West Toronto shall consist of that part of the city lying west of the centre line of Palmerston avenue and Tecumseth street and said street produced southerly to the bay, being the remainder of the city not included in the other three electoral divisions.

2.—(1) The city of Hamilton shall be divided into two electoral districts to be called respectively:—

The Electoral District of West Hamilton, and,
The Electoral District of East Hamilton,

Electoral
divisions of
Hamilton.

and

and each of such electoral districts shall be represented in the Legislative Assembly by one member.

West
Hamilton.

(2) The Electoral District of West Hamilton shall consist of that part of the city of Hamilton lying west of the centre line of Hughson street and said centre line produced southerly to the southerly limit of the said city.

East
Hamilton.

(3) The Electoral District of East Hamilton shall consist of that part of the city of Hamilton lying east of the centre line of Hughson street and said centre line produced southerly to the southerly limit of the said city.

Electoral
district of
Ottawa.

3. The Electoral District of the city of Ottawa shall consist of the city of Ottawa and the incorporated villages of Ottawa East and Hintonburg and the unincorporated village of Mechanicsville, consisting of those portions of lots thirty-six, thirty-seven and thirty-eight, concession A, Ottawa Front, in the township of Nepean, not already included in the limits of the city of Ottawa, which said incorporated villages of Ottawa East and Hintonburg and unincorporated village of Mechanicsville are hereby taken from the Electoral District of Carleton; and the said Electoral District of Ottawa shall be represented by and shall return two members.

Electoral
district of
Kingston.

4. The Electoral District of Kingston shall consist of the city of Kingston and the village of Portsmouth; and the township of Kingston heretofore forming part of the Electoral District of Kingston is taken therefrom and shall hereafter form part of the Electoral District of the County of Frontenac.

Polling sub-
divisions in
cities.

5—(1) Where any polling sub-division as at present constituted in any of the cities to which this Act applies, lies partly in one and partly in another electoral district, the part lying in each electoral district shall, for the purposes of the first general election held after the passing of this Act and thereafter until the polling sub-divisions of such city are re-arranged as provided by statute in that behalf, form a separate polling sub-division of the electoral district in which it is situate, or may be attached by the returning officer to an adjoining polling sub-division.

(2) The returning officer for each electoral district constituted by this Act, shall, immediately after the receipt by him of the writ for such election, file with the clerk of the peace a schedule certified under his hand and seal showing the number and boundaries of each polling sub-division in the electoral district of which he is returning officer, and the clerk of the peace shall be guided by such schedule in entering the names of voters in the poll books as required by *The Ontario Election Act, 1892*.

55 V. c. 3.

(3) The returning officer may in such schedule re-number the polling sub-divisions, or he may retain the former numbers as to those polling sub-divisions, the boundaries of which remain

remain the same as before the passing of this Act, or to which part- of other sub-divisions have been added under sub-section 1 of this section, and may designate any polling sub-division consisting of part of a former sub-division which has been divided by the boundary line of an electoral district constituted by this Act, by the number of an adjoining polling sub-division adding after such number a letter of the alphabet.

(4) A returning officer shall not disturb the boundaries of any polling sub-division beyond what may be necessary to carry out the provisions of sub-section 1 of this section, or except in pursuance of any power to unite two or more polling sub-divisions conferred upon him by *The Ontario Election Act, 1892*, or the amendments thereto, and in every case where an addition is made to a polling sub-division as provided in said sub-section 1, he shall in the said schedule state the former number of the polling sub-division from which the added territory has been taken, and shall describe the addition by its street boundaries or otherwise, and where a new polling sub-division is formed as provided by said sub-section 1, the returning officer shall add after the number and letter distinguishing said sub-division the words "formerly part of polling sub-division No. ," stating the number of the polling sub-division which has been divided. 55 V., c. 3.

(5) In cities to which *The Manhood Suffrage Registration Act, 1894*, applies for the purposes of such election, the returning officer shall deliver a duplicate copy of such schedule certified under his hand and seal, to the Chairman of the Board of Manhood Suffrage Registrars for the city, and the registrars shall be guided by such schedule in preparing the lists required by the said Act. 57 V., c. 4.

6.—(1) In the case of any city divided into two or more electoral divisions, and in which the provisions of *The City Manhood Suffrage Registration Act, 1894*, shall not take effect till after the next general election, no person who would have been entitled to vote in such city, if such city had not been divided into more than one electoral district, shall at the next general election be disqualified to vote by reason only of not being a resident at the time of the election within the electoral district on the last revised voters' list of which his name has been placed, or of not having resided continuously within the said electoral district from the day up to which complaint could be made to the County Judge under *The Ontario Voters' Lists Act, 1889*, to insert the name of any person in the list, up to the time of the said election. Provided that such person has resided in the said city continuously from the said day up to which complaint could be made as aforesaid and is at the time of such election actually residing and domiciled therein. 52 V., c. 3.

Where voter has moved from one electoral district in a city to another after list revised.

(2) It shall be sufficient in cases provided for by this section, if, in taking the oath referred to in section 91 of *The Ontario Election Act, 1892*, the words "this city" be substituted for the words "this electoral district" in the fourth paragraph of the form of oath set forth in Form 16 in schedule A annexed to the said Act.

Act incorporated with Rev.
Stat. c. 7.

7. This Act shall be read with, and as forming a part of, the *Act respecting the representation of the people in the Legislative Assembly*, and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

CHAPTER 3.

An Act to make further provision respecting Voters' Lists.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Supplementary Ontario Voters' List Act, 1894.* Short title.

2. In this Act "assessment commissioner" or "commissioner" shall include an assessor or assessors in any city where there is no assessment commissioner. Meaning of "assessment commissioner."

3.—(1) In order to enable the assessment commissioner to more completely amend the lists being prepared, the clerk of every city, when requested so to do as hereinafter provided, shall deliver to the assessment commissioner as required by sections 3 and 4 of *The Supplementary Ontario Voters' Lists Act, 1893*, the lists of male persons who have died since the preceding first day of January, which were returned to such clerk by the assessors, and also a supplementary alphabetical list, duly certified, containing the names of the male persons of twenty-one years of age or over who have died in the city since the date up to which the said first mentioned list purports to give information. Annual list of voters who have died during preceding year. 56 V., c. 3.

(2) If any assessor has failed to return his list of persons who have died to the clerk, and in case for this or any other reason the clerk is unable to deliver such list to the assessment commissioner as aforesaid, the clerk shall make out another list containing the like information as the list he is unable to deliver as aforesaid, and deliver the same in lieu thereof.

(3) As soon as the assessment commissioner has appointed a time for the amendment of the voters' list, under section 9 of *The Supplementary Ontario Voters' Lists Act, 1893*, he shall request the clerk to deliver to him the said lists of deceased persons. 56 V., c. 3.

4. Every list of deceased persons furnished to the assessors by the clerk of the city, under section 3 of *The Supplementary Ontario Voters' Lists Act, 1893*, and every supplementary list furnished to an assessment commissioner under this Act, shall contain the particulars indicated by the headings in Schedule A appended hereto, so far as such particulars appear in the documents in the possession of the clerk, or are within his knowledge. Particulars to be contained in list. **5.**

56 V., c. 3,
Forms in
schedule
amended.

5. The certificate in said Schedule A is hereby substituted for Form 1 in the schedule to *The Supplementary Ontario Voters' Lists Act, 1893*, and Form 8 in the said Schedule is hereby amended by striking out of Part II the words "not of age" and "left the Province."

Striking
names of
deceased per-
sons off lists.

6.—(1) Where the residence of any deceased person at the time of his death is given in either of the said lists by street and house number, or otherwise with sufficient minuteness to satisfy the assessment commissioner that a name appearing on the voters' lists is the name of the deceased, or in case the commissioner is otherwise satisfied thereof, he shall strike such name off the voters' lists. The commissioner shall examine and compare the lists for the purpose of ascertaining whether there are any names which should be struck off under this section.

(2) The assessment commissioner shall also correct any errors which he perceives have been made in transcribing from the assessment roll, and any clerical errors which he notices.

Evidence to
be furnished
that name of
applicant is
not on list.

7. No person shall be put on the lists by an assessment commissioner or judge until evidence is furnished either orally or by affidavit that such person's name is not already on the lists.

Assessing
property of
deceased per-
sons.

8.—(1) No property shall be assessed in the name of any deceased person, but when an assessor is unable to ascertain the names of the persons who should be assessed in lieu of the deceased person, he may insert, instead of such names, the words "Representatives of A. B., deceased," giving the name of such deceased person.

56 V., c. 3, s. 5,
repealed.

(2) Section 5 of *The Supplementary Ontario Voters' Lists Act, 1893*, is hereby repealed.

Duties of City
Clerk and
County Judge.

9. Notwithstanding anything in *The Ontario Voters' Lists Act, 1889*, or in *The Supplementary Ontario Voters' Lists Act, 1893*, contained, the clerk of every city and the county judge, without regard to any proceedings pending with respect to appeals from the court of revision to the county judge under *The Consolidated Assessment Act, 1892*, and without regard to the preparation of any list of voters' prepared under *The Ontario Voters' Lists Act, 1889*, shall prepare and complete the lists required by *The Supplementary Ontario Voters' Lists Act, 1893*, and may, with respect to such list, issue all notices, hold all courts, and make, subscribe and grant all certificates in the manner provided by sections 5, 6, 9, 15, 16 and 17 of the said *Ontario Voters' Lists Act, 1889*, with respect to lists prepared under the said last mentioned Act.

Voters lists in
unorganized
territory.

10. Where after lists have been prepared for any unorganized territory under *The Act Respecting Voters' Lists in Un-organized*

organized Territories, any part of the territory becomes organized into a municipality, or annexed to an organized municipality, and a voters' list has been subsequently prepared for such municipality, and before the date of the writ of election has been delivered or transmitted to the clerk of the peace, then the voters' list so delivered or transmitted shall be used at such election for the territory aforesaid, but if there is no such list, then the list prepared as aforesaid under *The Act Respecting Voters' Lists in Unorganized Territory* shall be used. 55 V. c. 2.

11. Schedules C and E appended to *The Act respecting the Registration of Births, Marriages and Deaths*, are hereby amended by inserting therein between the column headed "Age" and the column headed "Rank or Profession," another column headed "Residence" divided into two sub-columns, one headed "Number of House or Lot" and the other headed "Street or Concession." Rev. Stat., c. 40, scheds. C and E, 1891 amended.

SCHEDULE A.

(Section 4.)

ALPHABETICAL LIST OF MALE PERSONS 21 YEARS OF AGE
OR OVER WHO HAVE DIED IN THE CITY SINCE 1ST
JANUARY NEXT PRECEDING THE FINAL
REVISION OF THE LAST REVISED
VOTERS' LIST.

Name and Surname of Deceased.	When Died.	Rank or Profession.	Where Born.	Religious Denomi- nation.	Residence.	
					House number	Street

I hereby certify the foregoing to be a true and correct list of all male persons of the age of 21 years and upwards, who have died in the city since the 1st day of January, 1894, up to the present time so far as these appear from the returns made to me; and I further certify that the information given opposite each such name is in accordance with the returns aforesaid, or is to my own knowledge true and correct.

Given under my hand, this day of 189

City Clerk and Division Registrar of

CHAPTER 4.

An Act respecting the Registration of Manhood Suffrage and other Voters in Cities.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title—
application.

1. This Act may be cited as *The City Manhood Suffrage Registration Act, 1894*, and shall apply to all the cities in the Province as follows :—In Toronto immediately after the passing of this Act, and in St. Thomas as hereinafter mentioned, and in the other cities after the next general election; provided that in case a revised list of voters founded upon the last revised assessment roll for any one or more of the said other cities shall not have been certified by the County Judge and filed with the Clerk of the Peace before the date of the writs of election to be issued for the next general election, then as to every such city this Act shall go into force at the date of the said writs.

Names of man-
hood suffrage
voters not to
be entered on
roll by
assessor.

2. Any assessor or assessment commissioner for any city shall not thereafter enter upon the assessment roll the name of any person who is not liable to assessment for taxes, and the letters M. F. shall not thereafter be placed opposite the name of any person on the roll of any city unless such person is qualified to vote at municipal elections in such city as well as at elections for the Legislative Assembly.

Entry on
present lists
not to qualify
where present
list not revised
before date of
writs.

52 V., c. 3.

51 V., c. 4.

3.—(1) In cases where a revised list of voters founded on the last revised assessment roll shall not have been certified by the County Judge and filed with the Clerk of the Peace before the date of the writ of election, no person shall be entitled to be retained on a previous list of voters revised under the *Ontario Voters' Lists Act, 1889*, by virtue of a qualification under *The Manhood Suffrage Act*, unless such person is named in part I of such list as entitled to vote at both municipal elections and elections for the Legislative Assembly.

52 V. c. 3.

(2) No person shall be entitled to vote at any election for the Legislative Assembly in any city by reason of the entry of his name in the third part of a voters' list prepared under *The Ontario Voters' Lists Act, 1889*, and so much of the said *Voters' Lists Act* as requires the preparation of a list of persons entitled to vote at elections to the Legislative Assembly only, shall no longer apply to any city as to which this Act shall be in force.

4.—(1) Every male person of the full age of 21 years, a subject of Her Majesty by birth or naturalization, and not disqualified under *The Ontario Election Act, 1892*, and not otherwise by law prohibited from voting, shall be entitled to be entered on the list of manhood suffrage voters for the polling subdivision in which he resides, to be prepared as is hereinafter directed; provided that such person has resided within the Province for the twelve months next preceding the day on which the first sitting of the registrars of manhood suffrage voters was held for the preparation of the lists of voters under *The Manhood Suffrage Act*; and provided that such person was in good faith, on the said last mentioned day, and for the three calendar months next preceding the same, a resident of and domiciled in the city on the list of which he is to be entered; and was in good faith on the same day and for the next preceding thirty days a resident of and domiciled within the territory comprising the electoral district on the list of which he is to be entered; and provided also that such person's name is not on Part I of the revised list of voters for the electoral district as settled under *The Ontario Voters' Lists Act, 1889*.

Qualification
of voters.

55 V., c. 3.

Proviso.

51 V. c. 4.

52 V. c. 3.

(2) Where the city is divided into electoral districts and such person has resided and been domiciled in the city continuously for the said period of three calendar months next preceding the day of the first sittings of the registrars but has not resided for 30 days in the electoral district in which he on such day resides and is domiciled, he may be registered in that electoral district of the city in which he resided for the 30 continuous days, being part of the said three months immediately preceding his removal into the electoral district in which he resides at the time of such sitting, subject to the other conditions of qualification. In such case the oaths to be taken by the voter before registration and at the election shall be in accordance with Forms 10 and 16 B respectively in the schedule hereto. This sub-section shall apply only to the next general election. The words "not a resident" shall be written on the margin of the register and poll book opposite the name of any person so registered.

5. Every person possessing the qualifications set out in the preceding section, if duly entered upon the list of voters in the poll-book proper to be used and if not prohibited or disqualified as aforesaid, shall be entitled to vote at elections to serve in the Legislative Assembly; provided such person is, at the time of tendering his vote, a resident of, and domiciled within the territory comprising the electoral district, according to the limits thereof at the time of tendering his vote, and has been such resident continuously from the day on which the first sitting of the registrar for the preparation of the list of voters was held until the time of voting, or, in the case of the class of voters mentioned in sub-section

Persons
entered in
poll book to
be entitled to
vote.

2 of the preceding section, if such person is, at the time of tendering his vote, a resident of and domiciled within the territory comprising the electoral district into which he has removed from the territory comprising the electoral district in which he was registered as aforesaid, and has been so resident continuously from the day on which the first sitting of the registrars for the preparation of the list of voters was held until the time of voting.

Registration
of absentees.

6.—(1) When any person who claims to be entitled to be registered or on whose behalf such claim is made, is unable to attend any of the said sittings of the registrars during the said four days, or any of them, by reason

(a) Of sickness or other physical disability,

(b) Or, that he is necessarily temporarily absent from the city and county in which the city is situate, in the prosecution of his occupation as a lumberman, or mariner, or fisherman, or as a commercial traveller, or in the service of a railway company, or that he is absent from such city in attendance as a student in an institution of learning in Canada,

a notice signed by such person or on his behalf by some grown up member of his family resident in the city, or if there is no such person then by some person to whom he is well known, may be given to the registrar acting for that part of the division in which such person claims to be entitled to vote, in Form No. 6, at any time during the four days of the sittings of the said registrars. The notice shall not contain the application for or on behalf of more than one person. Such persons may be known as absentees Class A.

Voters temporarily and unavoidably absent at time of sittings.

(2) Where any absentee, other than those mentioned in Class A, claims to be entitled to be registered, or on whose behalf such claim is made, and is unable to attend any of the said sittings of the registrars during the said four days by reason of his being temporarily and unavoidably *bona fide* absent from the city and county in which the city is situate but within the Province of Ontario, in the necessary pursuit of his business or calling, and has not been absent more than thirty days prior to the first of the four days of the sittings of the registrars, and is absent at the time of the application, and will not return during the said four days, then, if it be established by two witnesses, one of whom shall be a grown-up member of the absentee's family, or his employer, or business partner or person with whom he resides or last resided in the city, or if no such person exists, then by some person who knows the absentee, the registrar may permit notice to be given to the registrar acting for that part of the division in which such person claims to be entitled to vote, in Form 7, Class B, at any time during the four days of the sittings of the registrars, of the intention of the absentee or of some person

on

on his behalf, to apply for the entry of the name of the absentee upon the supplementary list of voters. When such notice is not signed by the absentee personally, it may be signed on his behalf by any person examined as a witness before the registrar or by any other person having personal knowledge of the facts.

(3) The registrar shall keep an alphabetical list of the names of all persons giving such notices, or on whose behalf such notices are given, which shall be open to inspection. List of absentees giving notice.

(4) The board of registration shall appoint a time and places where the *ex-officio* registrars for the division shall sit to hear the application for registration by those persons who have given such notice or on whose behalf notice has been given, which time shall not be later than the day after the day of nomination, unless such day falls on Sunday, and then not later than the day after, and such sittings shall not extend beyond two days and may be called the supplementary sittings. Supplementary sittings.

(5) When the *ex-officio* registrars cannot, by reason of being engaged on the board of appeal, or for other sufficient reason, hold such sittings, the board of registrars may select a sufficient number to fill the vacancies from among the other registrars who have been acting to hold the supplementary sittings. When *ex-officio* registrars cannot act.

(6) The registrars who shall hold the supplementary sittings shall hear and determine the applications of such persons as have given notice, or on whose behalf notice has been given, as shall be brought before them. Where the applicant shall personally appear and satisfy the registrars that he had good and sufficient reason for his absence during the said four days, and that he is entitled to the benefit of this section, the application shall be determined in the like manner as though the applicant had appeared at the earlier sittings of the registrars. Hearing applications at supplementary sittings.

(7) Where the applicant does not personally appear, for the reasons aforesaid, he may be registered upon its being established to the satisfaction of the registrar by the evidence of some member of the applicant's family, or his employer, business partner, or the person with whom he resides or last resided in the city, or other sufficient evidence that he cannot appear for some or one of the reasons aforesaid, and that he is entitled to be registered. Where applicant cannot appear.

(8) The registrar may, if he sees fit, in cases where notice is given under the preceding sections, for his own satisfaction, direct inquiry to be made by a person to be named by him. Inquiries for satisfaction.

(9) The registrar shall enter the names alphabetically of all persons registered under the provisions of this section in a supplementary list of voters, and shall, the day after the last day of the supplementary sittings, deliver to the Clerk of the Peace the book in which the same is registered, having appended thereto his certificate to the effect that the said supplementary list is a true and correct list of all persons Supplementary lists.

who were shown to him to be entitled to be entered upon such supplementary list, and he shall state in such certificate the date of said supplementary sittings, and such list of names shall not be entered on the general list but shall be furnished to the returning officer as a supplementary list of manhood franchise voters.

Affidavit to be made by persons applying at supplementary sittings.

(10) The persons applying, or on whose behalf application is made, shall, before being entered on the supplementary list, except in the case of mariners, fishermen and lumbermen, make the affidavit (Form 8), required in other cases, unless the registrar shall, for good and sufficient reason, dispense therewith.

Decision of registrar to be final.

(11) The decision of the registrar shall be final in the case of persons registered, or applying to be registered, at the supplementary sittings.

Entry after name on supplementary lists.

(12) Opposite the name of each person registered and entered on the supplementary list the registrar shall write the words "Class A" or "Class B" as the case may be.

Transfer of voters from part I of voters' lists.

7. Any person whose name is on Part I of the last revised voters' list may, subject to other conditions of qualification, in case it is made to appear to the registrar that he has ceased to be entitled to vote under said Part I, have his name transferred to the manhood suffrage list and in such case his name shall be erased from Part I of the voters' list by the Clerk of the Peace upon the certificate of the registrar being furnished to him. The oath to be taken by such person on application for registration under this section shall be that contained in Form 9.

Board of registrars.

8.—(1) A board shall be constituted in each of the said cities for preparing lists of persons entitled under this Act to be registered as manhood suffrage voters at elections for the Legislative Assembly, and such board shall be called "The Board of Manhood Suffrage Registrars," and every member thereof shall be deemed a registrar within the meaning of this Act.

(2) No registrar or registrar's clerk appointed under this Act shall be eligible as a candidate at any election to the Legislative Assembly, who was engaged in the preparation of the voters' lists to be used at such election, nor shall any registrar vote at any such election.

City to provide necessary accommodation.

9. It shall be the duty of the city to provide for the registrars, and each and every of them, and for the board of appeal, suitable and convenient places properly furnished, heated and lighted, for the holding of the sittings which are to be held under this Act; and in case the same are not provided in due time the board is to provide the necessary accommodation, and the expense of the board in so providing said places and furniture

furniture for the registration of voters shall not exceed \$15 for each place, unless the board on account of exceptional circumstances finds it impossible to obtain suitable accommodation for this amount. The expense incurred by the board in providing such accommodation and in providing stationery and other requirements of the board shall be paid by the treasurer of the city upon the order of the chairman of the board.

(2) The building in which the registration takes place shall not be a tavern or place of public entertainment, and there shall be free access for every person desiring to be registered. Registration not to take place in tavern.

10. The Board shall consist of the official persons hereinafter mentioned, and may from time to time appoint so many other registrars as shall be necessary to carry out the provisions of this Act. Such appointments may be evidenced by a commission under the hand of the chairman of the board. Constitution of boards.

11. In Toronto the *ex-officio* members shall be eight in number, namely, the three judges of the county court of the county of York, the master in ordinary, the master in chambers, the master of titles, the police magistrate of Toronto, and the inspector of legal offices. Ex-officio members of board in Toronto.

12. In Hamilton the *ex-officio* members shall be four in number, namely, the two judges of the county court of the county of Wentworth, the police magistrate and the local master of the High Court; and while there is but one judge of the county court of the county of Wentworth the clerk of the county court shall be *ex-officio* a member of the Board. Hamilton.

13. In Ottawa the *ex-officio* members shall be four in number, namely, the two judges of the county court of the county of Carleton, the police magistrate and the clerk of the county court. Ottawa.

14. In London the *ex-officio* members shall be four in number, namely, the two judges of the county court of the county of Middlesex, the police magistrate and the local master of the High Court. In London.

15. In every city other than those named in the four next preceding sections the *ex-officio* members of the board shall be the two judges of the county court and the police magistrate, or where there is but one county judge, then such judge, the police magistrate and the local master, or where such judge is local master, then the clerk of the county court shall act as one of the said *ex-officio* members. If any one of said *ex-officio* members is unable to act from illness or any cause, then the board of registrars shall appoint some other fit and proper person to fill such vacancy. Ex-officio members in other cities.

Term of office
of appointed
members.

16. The members appointed by the board shall hold office until the first day of January after the first general election subsequent to their appointment. Any persons appointed to vacancies which may occur meanwhile shall hold office to the same date as the other appointed members.

Vacancies.

17. In case at the time of the dissolution of the Legislative Assembly or of the issuing of a writ of election, there is a vacancy in the *ex-officio* membership of the board or if any of the members are absent from the Province or are unable to act, the board shall appoint some competent person to fill the vacancy or to act in the place of the member so absent or unable to act.

Oath of
registrar.

18. Every registrar shall, before acting as such, take and subscribe the oath shown in Form 2 in the schedule hereto, before the chairman or a justice of the peace, and every registry clerk so appointed shall, before acting as such, take and subscribe the oath shown in Form 4 in the said schedule before any registrar or justice of the peace.

Chairman.

19. The Lieutenant-Governor in Council shall appoint one of the members of the board to be chairman thereof, *pro tem*, for the purpose of more conveniently carrying out the provisions of this Act, and the board shall at their first or any subsequent meeting appoint a chairman, who shall hold office during the pleasure of the board.

Two *ex-officio*
members to
act in each
district.

20. Where a city is divided into two or more electoral districts two of the *ex-officio* members of the Board shall be assigned by the board to each of the electoral districts of the city as constituted for electoral purposes.

Sub-division
of districts.

21.—(1) The board shall divide each electoral district into convenient registration districts for the purpose of registration, grouping together for this purpose as compactly as they find convenient the polling sub-divisions of each such district. The number of such registration districts shall be in Toronto six, in Hamilton, Ottawa, London and Kingston each four, and in every other city three, and the board shall assign a registrar to each registration district, and shall also fix the time and place for holding the sittings of the board of appeal for the city provided for by this Act, and also of the supplementary sittings.

(2) If the board of any city considers that having regard to the number of voters to be registered the number of registration districts provided for by this section is not sufficient they may divide the electoral district, in manner aforesaid, into as many registration districts as the board considers necessary, and shall appoint a place of registration and a registrar for each as aforesaid.

22. A place for each of the said registration districts shall be appointed for the registration of voters, the two places appointed for two adjoining registration districts being near one another, either in the same building or in some building conveniently near.

Places for
registration.

23. At each of the said places an *ex-officio* registrar, or appointed registrar to be designated by the board, shall attend for the purpose of registering voters.

Who to act
at place of
registration.

24. In case of the illness or absence of any registrar, the board shall appoint some other competent and impartial person to act as registrar in place of the registrar who is ill or absent.

Illness or
absence of
registrar.

25.—(1) Immediately on a proclamation issuing dissolving the Legislative Assembly, or in the case of a city in which this Act does not come into force until the date of the writs for the next general election, then immediately after such date, or in the case of a by-election, immediately on the issuing of a writ of election, the clerk of the Legislative Assembly in his capacity as clerk of the crown in chancery, shall notify the chairman of such dissolution or of the issuing of such writ; and whenever a new registration is required the chairman shall call the board together on receiving such notice, and the board shall forthwith take the necessary proceedings for the registration of manhood suffrage voters under this Act.

When board
to be called
together.

(2) In the case of a by-election the notice to the chairman shall state whether or not a new registration is required.

26. Every registrar shall appoint (Form 3) a competent person as a clerk, hereafter referred to as the "registry clerk," to assist him in preparing the lists of the persons entitled to vote in the sub-divisions in respect of which such registrar has been appointed. The board shall appoint one of the registry clerks to be the clerk of the board.

Registry
clerk.

27.—(1) The registrar shall hold four sittings for the registration of persons claiming to be entitled to vote in the city under this Act, the first of the said sittings being on the sixth day after the dissolution or in the case of a by-election on the sixth day after the date of the writ, (computing in such time any Sunday that may have intervened) and if the sixth day falls on a Sunday the first of the said sittings shall be held on the following Monday. The same days shall be appointed for all the groups in an electoral district.

Sittings of
registrar.

(2) The sittings shall be held on consecutive days, except Sunday, and the sittings shall continue from nine o'clock in the morning till ten o'clock in the evening, with intermissions from one o'clock to two o'clock, and from six o'clock to seven

Duration of
sittings.

seven o'clock; provided that if the holding of the sittings on consecutive days will not allow of one sitting being held on a Saturday then the last sitting shall be held on a Saturday and the second and third sittings shall be held on such days as the board appoints. And provided further that the time from seven o'clock till eight o'clock each evening of said four days shall, as far as possible, be set apart for the registration of the votes of workingmen.

(3) If a registration under this Act is to be had in any city other than Toronto for the purposes of an election to be held at the next general election, the first of the said sittings for such city shall be held on the sixth day after the date of the writ (computing in such time any Sunday that may have intervened) and if the sixth day falls on a Sunday the first of said sittings shall be held on the following Monday.

Notice of time
and place of
registration.

28. Public notice by the chairman of the board shall be given of the times and places so appointed and of the time and place of holding the meetings of the board of appeal for the city and of the supplementary sittings by posters headed in large letters, "Registration of Manhood Suffrage Voters." The said posters shall give the outside limits of the group of sub-divisions for which the respective registration sittings will be held, but need not give the limits of the sub-divisions. At least five of such posters shall be posted in public and conspicuous places throughout each polling sub-division.

Index book to
be kept by
each registrar.

29.—(1) For the purpose of preparing such lists the chairman shall see that each registrar or member of the said board is furnished with an alphabetical index book for each polling sub-division for which he is to act. The pages of said book shall be in accordance with Form 5 in the schedule hereto. Upon the first page thereof the limits comprising the polling sub-division for which the book is intended and the number of such polling sub-division, in accordance with the revised lists of voters, shall be stated, and such limits and number shall also be distinctly shown on the outside of the front cover.

Book forms
of oath.

(2) The chairman shall also see that each registrar is furnished with a book demy size containing six hundred forms or such further number as may appear necessary, of the oaths shown in Forms 8, 9 and 10 in the schedule, printed on good writing paper.

Mode of regis-
tering names.

30.—(1) The registrar, or registry clerk, under his direction, shall register in the several polling sub-division books, the names and residences, as stated in their oaths respectively, of all persons applying to be registered, who take the oath hereinbefore mentioned, and who reside in such sub-divisions respectively, unless it clearly appears to the registrar from the answers of the applicant to the questions put
to

to him and upon hearing any evidence then produced that he is not entitled to be registered as a voter. Each person entitled to be registered shall be registered in the book for the polling sub-division in which he resides, or is entitled to vote as provided by sub-section 2 of section 4, and no other.

(2) The registrar, or registry clerk, under his direction, shall before administering the oath to any applicant for registration, fill up from the statements of the applicant the blanks for the name and other particulars required to be entered in the list of voters, and shall also fill up such other blanks as are necessary to be filled, in order to make the oath complete. He shall then administer the oath to the applicant and shall subscribe the same.

Particulars to be entered in list.

(3) The said names shall be classed in alphabetical order in accordance with the surnames of the applicants.

Arrangement of names.

(4) If an applicant refuses to take the oath, or refuses, or is unable to give the information requisite to enable the registrar to fill up the particulars in respect of the said applicant and of his residence which by this section or by the notes at the foot of the form of oath are required to be inserted therein, such applicant shall not be registered either at that or any subsequent sitting. If such refusal or the discovery of the applicant's inability as aforesaid takes place after the applicant's name has been written in a form of oath, the returning officer shall write at the foot of said form "Refused to swear," or "Unable to give particulars," or according to the fact.

Refusal to take the oath or give information.

(5) An alphabetical list of all persons who refuse to take the oath, or are unable to give the information required as aforesaid shall be kept by the registrar and delivered to the clerk of the peace with the list of persons registered.

List of applicants refusing.

(6) At the end of each day, or at intervals available during the day, the registrar and registry clerk shall, in the presence of those entitled to be present, compare the entries in the oaths book with the entries in the polling sub-division books, in order to see that no name has by mistake been entered in the wrong polling sub-division book, and may correct any mistake then discovered in any polling sub-division book. In case any name has, on this account, to be transferred from one book to another the entry so transferred shall be distinctly erased with pen and ink, but left legible; and a note shall be made immediately adjacent to such erasure to the effect that the name had been entered by mistake, and has been transferred to another sub-division book, and the number of such sub-division shall be stated. The registrar and his clerk shall each affix their initials to the said note.

Comparison of entries in books.

(7) After the comparison is complete, and any necessary corrections made, there shall be written or stamped on the line immediately under the last name which has been entered under the letter, the words, "The above were entered at first sitting."

Note to be made of entries at each sitting.

sitting." This shall be repeated at each letter under which names have been entered. If it should happen that there is some index letter under which no names have been entered, the following words shall be written or stamped on the first line of the first page of said letter, "No names have been entered under this letter, at the first sitting." Similar entries, but naming the proper sitting, shall be made at the close of each sitting, and the registrar shall sign the last of such entries under each index letter.

Interference with books.

(8) No person except the registrar or registry clerk shall be allowed to write upon or in any way meddle with the said books, and the registrar shall keep the same in his custody until he delivers them to the clerk of the peace.

Entry to be made by registrar of oaths taken.

(9) At the close of each sitting the registrar shall make and sign a memorandum immediately under the last oath administered stating that the preceding oaths signed by him were taken before him on that day, and giving the day of the month and year when said oaths were taken.

Appeals to board of appeal.

31.—(1) If the registrar refuses to register an applicant who has taken or is willing to take the said oath, such applicant may upon giving within twenty-four hours thereafter notice in writing to the registrar, appeal to the board of appeal constituted as provided in sub-section 2 of this section, which shall have authority to hear and determine all cases so brought before it upon *viva voce* evidence. The decision of the board of appeal shall be given at least three days before the day fixed for holding the poll, and its decision shall be final.

Board of appeal, how constituted.

(2) Where in any city the board of manhood suffrage registrars consists of more than three members the board shall appoint three of its members to constitute the board of appeal for the city, and where the board of manhood suffrage registrars consists of three members only such three members shall constitute the board of appeal for the city. The members of the board of appeal shall before hearing any appeal elect one of their number to be chairman. The board may if necessary constitute more than one board of appeal out of their number.

Taking evidence on oath.

(3) The evidence taken on any appeal under this section shall be taken on oath, and such oath may be administered by any member of the board of appeal."

Certificate to be given when appellant found entitled to vote.

(4) If the board of appeal shall decide that an appellant is entitled to vote they shall grant him a certificate signed by the chairman of such board to that effect, and shall in such certificate state the polling sub-division in which he is entitled to vote, and the deputy-returning officer for such polling sub-division if such person delivers to him the said certificate and if required takes the oath contained in Form 16A. or in Form 16B shall permit such person to vote.

Certificate to be returned with poll book.

(5) The deputy returning officer shall return every such certificate with his poll book to the returning officer.

(6)

(6) An appeal shall also lie in like manner and on the like notice, and a further notice to the person registered, from the decision of a registrar registering the name of any applicant, provided that the decision is given within the time above limited and a certificate of such decision shall be given by the chairman of the board of appeal to the returning officer of the electoral division in which the decision appealed against was given and shall be by him delivered to the deputy-returning officer of the polling sub-division named in the certificate, and such deputy-returning officer shall not thereafter receive the vote of such person.

Appeal from decision of registrar to register any name

(7) The board of appeal shall make and shall deliver to the Clerk of the Peace a list of the names of persons, together with their occupation and residence and the sub-division in which they may vote, to whom the board of appeal shall give a certificate, upon which they shall be entitled to vote, and such names shall also be entered upon the supplementary list with the words written thereafter, "on appeal."

Lists of persons found entitled on appeal.

(8) The board of appeal shall also make and shall deliver to the Clerk of the Peace a list of the names of those whom they shall strike off the list, with the sub-division for which they were registered, and the returning officer shall forthwith cause the deputy-returning officer to erase such name or names from the list. The words "on appeal" shall be written thereafter.

List of names to be struck off on appeal.

32. Every registrar shall, during the days such sittings are held, be a conservator of the peace and invested with the same powers with which justices of the peace are invested in this Province and may appoint such special constables as he deems necessary for the purpose of carrying out the provisions of this Act, or for the arrest or detention of persons who are charged with personation or who are or have been impeding or improperly interrupting his proceedings or creating a disturbance. The registrar may verbally direct the forcible removal of any such person from the registry room. Such special constables shall have full power to act without taking any oath and shall be respectively paid by the city. Each registry clerk shall also have the authority of a constable for the said purposes.

Preservation of the peace.

33. It shall be the duty of the chief of police of each city to have a constable in attendance at each place of registry during the whole time that the same is kept open and so long as the registrar remains there.

Constables.

34.—(1) Any person whom the Board deems to be in good faith a candidate for election to represent the said district, may appoint in writing two electors as agents to represent him at any registration sitting. In the absence of any person authorized in writing to act as agent for an absent candidate, any elector in the interest of such candidate may declare himself to be

Agents for candidates.

be and may act as agent of such candidate, without producing any special authority in writing for that purpose.

Agents of
political
organizations.

(2) Any political organization not represented by such candidate and his agents, may also appoint in writing, duly authenticated to the satisfaction of the registrar, two electors as agents to represent such organization at any registration sitting.

Presence of
electors at
registration.

35. Subject to such directions as the registrar may from time to time give so as to prevent the proceedings being delayed or interfered with, any elector shall be entitled to be present as a spectator at a registration sitting provided that no more than twelve persons other than the officers and agents shall be entitled to be present at the same time, and no person shall ask any question of an applicant for registration unless such person is the agent of a candidate, and no agent shall ask any such question except through the registrar, or by his permission. The registrar in giving directions shall strive to allow a fair proportion of all political parties to remain in the place of registration.

Refusal or
neglect of
registrar to
act.

36—(1) If a registrar refuses or neglects to perform the duties of his office, or becomes unable to perform them either by death, illness, absence or otherwise, and if no other registrar appears at the place appointed for the registry sitting, then the registry clerk shall act as registrar and perform all the duties and be subject to all the obligations of that office in the same manner as if he had been duly appointed registrar and without being bound to take a new oath for that purpose.

(2) When any registry clerk acts as registrar under this section he shall in writing appoint another person to act as registry clerk, and the person so appointed shall before acting take and subscribe before the person appointing him the oath shown in Form 4 in the schedule.

Registry clerk
refusing or
neglecting to
act.

(3) When any registry clerk refuses or neglects or becomes unable to perform his duty, the registrar may in writing appoint another person to act as registry clerk ; and the person so appointed shall before acting take and subscribe before such registrar the said oath shown in Form 4.

Failure to
commence
at appointed
time.—Inter-
ruptions to
sittings.

37. In case by reason of riot or other emergency a sitting of the registrar is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the registrar shall hold or resume the registration on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the place for registration has been opened without interruption and with free access to persons desiring to be registered, for forty-four hours in all, but shall be completed at least three days before the polling day.

38. In case for any reason it becomes impossible to use the place appointed for the registration of voters, another place shall be secured by the registrar, and such notice of the change as is practicable shall be given. When place appointed cannot be used.

39.—(1) The next day, not being a Sunday, after the last of said sittings, the registrar shall deliver to the clerk of the peace the books containing the said lists, having first appended to each his certificate to the effect that the said list is a true and correct list of all persons who appeared before him at the sittings for the registration of persons entitled to vote under this Act and took the oath necessary to entitle them to have their names placed thereon, and he shall in such certificate state the dates of such sittings. The registrar shall at the same time deliver to the clerk of the peace the book containing the oaths of the persons registered. Delivery of clerk of the peace.

(2) The delivery of the lists to the clerk of the peace shall not be delayed by reason of appeals from the decision of any registrar.

40.—(1) It shall be the duty of the clerk of the peace to see that the said books are duly returned to him as required by the next preceding section. Duties of clerk of the peace as to books.

(2) The clerk of the peace shall retain the said books in his office until they are superseded by another registration, when they may be destroyed, unless the Attorney-General of Ontario or a court shall direct their preservation for a further period.

41.—(1) In case of a by-election, the writ for which bears date more than one year subsequent to the polling day of a previous election for which registration sittings were held for the electoral district, the proceedings for registration hereinbefore directed in the case of a general election shall be taken unless the clerk of the Crown in chancery shall, on the issue of the writ, notify the chairman of the board of registrars that a new registration of the manhood suffrage voters of the electoral district is not required. Special elections more than one year after last registration.

(2) The clerk of the Crown in chancery shall make the said notification as to a new registration not being necessary in case the Premier of the Executive Council of Ontario and the leader of the opposition in the Legislative Assembly certify the clerk in writing that in their opinion a new registration as aforesaid is unnecessary for such election.

42.—(1) In case of a by-election the writ for which bears date not more than a year subsequent to the polling day of the next previous election for which registration was made for the electoral district, no new registration of manhood suffrage voters shall be had unless the clerk of the Crown in chancery shall notify the said chairman that a new registration as aforesaid is desired. When special election held less than one year after registration.

(2) The clerk of the Crown in chancery shall make such last mentioned notification upon the written request of either the Premier of the Executive Council or of the leader of the opposition.

Poll books,—
mode of enter-
ing names.
55 V., c. 3.

43.—(1) The clerk of the peace, when entering into the poll book under section 78 of *The Ontario Election Act, 1892*, the names of persons appearing to be entitled to vote within the sub-division for which the poll book is required, shall write on the first line of the poll book, in red ink, the words "Voters entitled under the joint municipal and assembly list," and shall, in the first place, enter into the poll book the names of the persons whose surnames commence with the letter A, and who are under the said joint municipal and assembly list, as revised by the judge, entitled to vote at both municipal elections and elections to the Legislative Assembly, and no other names.

Entries to be
made by
clerk of the
peace.

(2) When the said clerk completes the list of names commencing with A, as aforesaid, he shall write on the line immediately below the last of said names the following words in red ink, "Voters entitled under manhood suffrage." The clerk shall then enter into said poll book the names of the persons whose surnames commence with A, appearing in the list of manhood suffrage voters, prepared under the preceding provisions of this Act.

(3) The clerk shall in like manner proceed with the other names on the list revised by the judge, and the list of manhood suffrage voters, until he has entered in alphabetical order the names of all persons who are, under the said list as revised by the judge, entitled to vote at both municipal elections and elections to the Legislative Assembly and all the names appearing in the said list of manhood suffrage voters, under headings distinguishing the different classes as aforesaid.

(4) The clerk shall sign his name immediately under the last name of each initial letter.

Voters' lists
conclusive.

(5) Every voters' list under this Act shall be final and conclusive as to the manhood suffrage voters in the same manner as a voters' list certified by the county court judge.

Certificate of
clerk of peace.

(6) The clerk of the peace shall on the last page of the poll book certify the date on which, as appearing by the registrar's certificate appended to his list, the first sitting was held for the preparation of the manhood suffrage voters' list.

Clerk of the
peace to furn-
ish copies.

(7) The clerk of the peace shall furnish certified copies of the names and other particulars in any of the said sub-division books to any person who may require the same upon payment of the like fees as are prescribed for similar services by sub-section 1 of section 42 of *The Ontario Voters' Lists Act, 1889*.

52 V., c. 3.

Preparation
of forms and
books.

44.—(1) The clerk of the peace shall from time to time cause to be prepared such books and forms as are requisite for
th

the purposes of this Act, so that he may at all times have on hand a sufficient number for an election, and shall have such books and forms prepared and printed in such a manner that the blanks remaining therein requiring to be filled up shall be as few as is practicable, and he shall furnish such number of the said books and forms to the registrars as the chairman shall request. The books and forms to be prepared and kept hereunder are the following:—

Oaths of registrars.

Appointment of registrars otherwise than by this Act.

Appointments and oaths of registry clerks.

Books containing forms of oaths to be taken by applicants for registration.

Alphabetical index books for the registration of manhood suffrage voters.

Alphabetical index books for lists of persons refusing to take the oath or unable to give the particulars required.

(2) For his services under this section in respect of each election the said clerk of the peace shall be paid by the city the sum of \$10 and his disbursements. Fees of clerk of the peace.

45. The times limited by this Act shall be directory only and any mistake or miscarriage in respect thereof shall not invalidate an election unless the mistake or miscarriage has been of such a nature that in the opinion of the trial judge it may have affected the result of the election, but this shall not prevent the trial being avoided where the mistake or miscarriage was brought about either in whole or in part by the improper conduct of a candidate or his agent. Provisions as to limit of times mentioned in this Act.

46. Every person who applies under this Act to be registered in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having been once registered under this Act in an electoral district applies within twenty-nine days thereafter to be again registered, either in the same or in another electoral district, shall be guilty of the offence of personation and liable to the penalties imposed by *The Ontario Election Act, 1892*, and any Act in amendment thereof, upon persons guilty of the said offence. Penalty for personation. 55 V. c. 3.

47. Section 183 of *The Ontario Election Act, 1892*, shall extend to any book, list, certificate, oath, affidavit or other document made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them. Application 55 V., c. 3, s. 183.

48. Any person appointed a registrar or registry clerk who refuses to accept the office to which he has been appointed or who Penalty for refusing to act as registrar or registry clerk.

who, after having accepted the same, refuses or neglects either to take and subscribe the prescribed oath or to perform the duties of the office shall, for his neglect or refusal, if appointed a registrar, incur a penalty of \$100, and if appointed a registry clerk, a penalty of \$50.

Penalty for misconduct.

49. Every registrar or registry clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall forfeit to Her Majesty the sum of \$200, and to any person aggrieved by such misfeasance, act or omission, a like sum of \$200.

Penalty for falsely signing declarations,

50. Any commissioner for taking affidavits, notary public or justice of the peace, who falsely signs any affidavit or declaration to be used under this Act, certifying or stating that such affidavit or declaration was sworn to or declared before him, or who signs it prior to the same being signed by the person purporting to swear or declare to the same or otherwise than in the presence of the deponent or declarant, shall, in addition to forfeiting his office of commissioner, notary public or justice of the peace, for every offence be subject to a penalty of not less than \$50 and not more than \$200, and to imprisonment for any period not exceeding three months. Such penalty may be recovered and such imprisonment ordered by the police magistrate of the city in which the affidavit or declaration is used or where the offence was committed.

Fees of officers.

51. For their services under this Act the officers employed shall be entitled to be paid as follows:—Each *ex-officio* registrar \$5 for each day on which a sitting for registration was held; every other registrar \$7; each registry clerk \$3 for each day aforesaid; such sums to be paid by the city. The chairman shall be paid a further sum of \$10 for his services hereunder for each election, such sum to be paid by the Province.

Copies of Acts to be transmitted with lists.

57 V. c. 7.

52. When an election is to be held in any of the said cities there shall be transmitted to the returning officer with the writ of election such a number of copies of this Act and of the Act of this session, intituled *An Act to secure the prompt punishment of persons guilty of personation at elections for the Legislative Assembly*, and of any amendments to said Acts, with full indexes thereto as will be sufficient to supply the returning officer and every registrar and registry clerk with one copy at least, and there shall be transmitted at the same time to the said returning officer such an additional number of the said last mentioned Acts, and any amendments thereto as will be sufficient to also supply each deputy returning officer with one copy thereof, at least.

53. *The Ontario Election Act, 1892*, is hereby amended as follows:— 55 V., c. 3 amended.

1. By the addition to item (a) of section 91 of the following words: “ unless in cities where a board of registrars has prepared a list of manhood suffrage voters, and the voter is entered in the poll book as entitled under manhood suffrage, where the oath to be taken shall be in accordance with the proper form provided in that behalf.” 55 V., c. 3, s. 91 amended.

2. By inserting as Forms 16A and 16B in Schedule A of *The Ontario Election Act, 1892*, immediately after Form 16 in such schedule, Form 16A and 16B appended to this Act. 55 V. c. 3, schedule A amended.

54.—(1) Notwithstanding anything in *The Ontario Voters' List Act, 1889* or *The Consolidated Assessment Act, 1892*, or any other Act contained, complaints or appeals may be made against Parts I and II of the voters' lists of the City of Toronto for the year 1894 up to and including the 18th day of May, 1894, and against Parts I and II of the voters' lists of the City of St. Thomas up to and including the same day. Revision of Parts I and II of the voters' list in Toronto and St. Thomas in present year

(2) The county judge shall immediately thereafter fix the time and place for holding the court of revision of the said lists, which time shall be within eight days after the said 18th day of May, and the clerk shall give notice of the sittings in a newspaper published in the municipality.

(3) Any notice required to be given by sub-section 12 of section 64 of *The Consolidated Assessment Act, 1892*, may be given four days instead of six days before the sittings of the court. 55 V., c. 48.

(4) It shall be the duty of the judge so to arrange and proceed, and so to fix the sittings of the court and the proceedings thereof that the complaints or appeals shall be heard and determined and the lists, finally revised, corrected, certified and delivered to the clerk of the peace, on or before the tenth day of June next.

(5) If said Parts I and II of the voters' lists in the said cities of Toronto and St. Thomas are so completed and filed with the clerk of the peace, on or by the said tenth day of June, in such case the said Part I of the voters' lists shall be used at the next general elections for the Province, whether the writs for the said general election shall be issued prior thereto or not.

(6) Two of the county court judges in the said City of Toronto and City of St. Thomas may sit at the same time, separately, for the purpose of disposing of the said appeals or complaints.

(7) The provisions of *The Ontario Voters' Lists Act, 1889*, shall apply to proceedings under this section, except so far as any of them may be varied by the provisions of this section.

(8)

(8) The manhood suffrage voters' lists and supplementary voters' lists shall be prepared for the City of St. Thomas by the registrars under the provisions of and as provided by this Act.

Act incorporated with former provisions.

55. This Act shall be read with *The Ontario Voters' Lists Act, 1889*, and *The Ontario Election Act, 1892*, and the Acts in amendment thereof.

SCHEDULE OF FORMS.

FORM 1.

(Referred to in Section 10.)

COMMISSION OF REGISTRAR OF MANHOOD SUFFRAGE VOTERS.

To K. L. (*Insert his residence and legal addition.*)

Know you that under the provisions of *The City Manhood Suffrage Registration Act, 1894*, of the Legislature of Ontario, you have been appointed a Registrar by the Board of Manhood Suffrage Registrars for the City of

Given under my hand at the City of this day of 1894.

A. B.,
Chairman.

FORM 2.

(Referred to in Section 18.)

OATH OF REGISTRAR.

I, the undersigned, Registrar of Manhood Suffrage Voters for part of the Electoral District of the City of , solemnly swear (or if the Registrar is one of the persons permitted by law to affirm in civil cases solemnly affirm) that I will act faithfully in my said capacity of Registrar without partiality, fear, favour or affection. So help me God.

Sworn, etc.

K. L.,
Registrar.

FORM 3.

(Referred to in Sections 26, 36.)

COMMISSION OF REGISTRY CLERK.

To M. N. (*Insert his residence and legal addition.*)

Know you that in my capacity of Registrar of Manhood Suffrage Voters for the group of polling sub-divisions composed of polling sub-divisions Nos. 1, 2, 3, 4 and 5, etc., of the Electoral District of the City of I do hereby appoint you to be Registry Clerk for the said polling sub-divisions.

Given under my hand at the City of this day of 1894.

K. L.,
Registrar.
FORM

FORM 4.

(Referred to in Sections 18, 36.)

OATH OF REGISTRY CLERK.

I, the undersigned, appointed Registry Clerk of Manhood Suffrage Voters for part of the Electoral District of the City of _____ solemnly swear (or if the Clerk is one of the persons permitted by law to affirm in civil cases solemnly affirm) that I will act faithfully in my capacity of Registry Clerk ; and also in that of Registrar of Manhood Suffrage Voters if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

Sworn, etc.

M. N.
Registry Clerk.

FORM 5.

(Section 29.)

FORM OF INDEX BOOK FOR VOTERS' LIST.

First page.

ELECTORAL DISTRICT OF THE CITY OF OTTAWA.

Manhood Suffrage Voters' List for Elections to Legislative Assembly.

POLLING SUB-DIVISION No. 5.

Comprising (*Giving the limits.*)

Name.	Number of House.	Street or other description.	Occupation.

Form for second and subsequent pages.

Continuation of POLLING SUB-DIVISION No. 5.

Name.	Number of House.	Street or other description.	Occupation.

FORM 6.

(See Section 6.)

NOTICE BY ABSENTEE. CLASS "A."

To the Registrar of the electoral division of
 Take notice that I (*name in full*) of No. _____ in
 street, in the city of _____, claim to be entitled to registry
 as a voter in the said electoral division under *The City Manhood Suffrage
 Registration Act, 1894.*

That my place of residence is at No. (a) _____ street, in the
 said city ;

That I am by occupation a (b) _____

That I am (*sick, disabled or absent*) (e) _____

(d) That I am entitled to be registered and to become a voter in and
 for said electoral district.

Dated this _____ day of _____ 189____, at the
 city of _____

(Signed) JOHN WALKER.

NOTE.—(a) Insert here the street, place, avenue or lane, and number of house
 where applicant resides. If the street, place, avenue or lane is not named, or the
 house has no number, then insert a brief description that will define its locality.

(b) Here state occupation.

(c) If sick or disabled, state the cause and character of sickness or disability ; if
 absent, state the reason.

(d) If given by some person on applicant's behalf, change "I am," etc., into
 "he is," etc.

FORM 7.

(See Section 6.)

NOTICE BY ABSENTEE. CLASS "B."

To the Registrar of the electoral division of
 Take notice that I (*name in full*) of No. _____ in
 street, in the city of _____, claim to be entitled to registry in
 the said electoral division under *The City Manhood Suffrage Registration
 Act, 1894.*

That my place of residence is at No. (a) _____ street, in the
 said city ;

That I am by occupation a (b) _____

That I am (*or he is*) now and have been temporarily and necessarily
 absent from the city of _____, my (*or his*) place of residence,
 since the _____ day of _____ 189____ and not longer, in the
 pursuit of my usual calling or occupation ;

(c) That I am entitled to be registered and to become a voter in and
 for the said electoral district.

Dated this _____ day of _____ 189____, at the
 city of _____

(Signed) JOHN WALKER.

NOTE.—(a) Insert here the street, place, avenue or lane, and number of house
 where applicant resides. If the street, place, avenue or lane is not named, or the
 house has no number, then insert a brief description that will define its locality.

(b) Here state occupation.

(c) If given by some person on applicant's behalf, change "I am," etc., into
 "he is," etc.

FORM

FORM 8.

*(Referred to in Section 29.)*FORM OF OATH TO BE TAKEN BY MANHOOD SUFFRAGE VOTER APPLYING
FOR REGISTRATION IN THE DISTRICT WHERE HE RESIDES.

1. You swear (a) that your name is (b)
and that you are a (c)
2. That you are a British subject by birth or naturalization.
3. That you had resided within this Province for the twelve months
next preceding (d) the day of 18 (e)
4. That you are now and were on the said day and for the three months
next preceding the same a resident of and domiciled in this city.
5. That you are now and were on the said day and for the thirty days
next preceding the same a resident of and domiciled in the territory com-
prising this electoral district.
6. That you now reside at (f)
7. That you are not disqualified or prohibited from voting at this elec-
tion and are as you believe entitled to vote thereat.
8. That you are of the full age of 21 years.
9. That you are not entered on the revised list of voters to be used at
this election as entitled to vote at both municipal elections and elections
to the Legislative Assembly.
10. That you have not been registered within twenty-nine days of this
date, either at this or any other sitting held for the Registration of Man-
hood Suffrage Voters for Elections to the Legislative Assembly, either in
this or any other electoral district.
11. That you have not received anything, nor has anything been pro-
mised you either directly or indirectly, either to induce you to promise to
vote or to apply for registration as a voter or for loss of time, travel-
ling expenses, hire of team or any other service connected therewith.
So help you God.

K. L.

NOTE.—(a) If the applicant is a person who may by law affirm in civil cases,
then for “swear” substitute “solemnly affirm.”

(b) Insert here the full name of applicant.

(c) Insert here occupation of applicant, or if applicant has no occupation, state
the fact.

(d) Insert here the date of the FIRST sitting held for registration of voters.

(e) In case the voter has been temporarily absent for any of the purposes allow-
ed by law insert the words following, “except occasionally or temporarily, in the
prosecution of your occupation of (*mentioning, as the case may be, a lumberman or
mariner or fisherman or in attendance as a student in an institution of learning in
the Dominion of Canada, naming the institution.*)”

(f) Insert here the street and number of the house where applicant resides if it
has a street number, and if it has not then insert instead a brief description that
will define its locality.

FORM 9.

(Referred to in Sections 7 and 29.)

FORM OF OATH TO BE TAKEN BY MANHOOD SUFFRAGE VOTER ON APPLYING FOR REGISTRATION UNDER SECTION 7.

1. You swear (a) that your name is (b)
and that you are a (c)
2. That you are a British subject by birth or naturalization.
3. That you had resided within this Province for the twelve months next preceding (d) the day of 18 (e)
4. That you are now and were on the said day and for the three months next preceding the same a resident of and domiciled in this city.
5. That you are now and were on the said day and for thirty days next preceding the same a resident of and domiciled in the territory comprising this electoral district.
6. That you now reside at (f)
7. That you are not disqualified or prohibited from voting at this election and are as you believe entitled to vote thereat.
8. That you are of the full age of 21 years.
9. That your name is entered on the revised voters' list to be used at this election as entitled to vote at both municipal elections and elections to the Legislative Assembly, but that you are not now entitled to vote at this election in respect of that qualification.
10. That you have not been registered within twenty-nine days of this date, either at this or any other sittings held for the Registration of Manhood Suffrage Voters for Elections to the Legislative Assembly, either in this or any other electoral district.
11. That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to promise to vote or to apply for registration as a voter or for loss of time, travelling expenses, hire of team or any other service connected therewith. So help you God.

K. L.

NOTE.—(a) If the applicant is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of applicant.

(c) Insert here occupation of applicant, or if applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for registration of voters.

(e) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, "except occasionally or temporarily, in the prosecution of your occupation, (mentioning, as the case may be, a lumberman or mariner or fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where applicant resides if it has a street number, and if it has not then insert instead a brief description that will define its locality.

FORM 10.

(Referred to in Section 29. See also Section 4 (2).)

FORM OF OATH TO BE TAKEN BY MANHOOD SUFFRAGE VOTER
APPLYING FOR REGISTRATION IN DISTRICT FROM WHICH HE HAS
REMOVED.

1. You swear (a) that your name is (b)
and that you are a (c).
2. That you are a British subject by birth or naturalization.
3. That you had resided within this Province for the twelve months
next preceding (d) the day of 18 (e)
4. That you are now and were on the said day and for the three months
next preceding the same a resident of and domiciled in this city.
5. That for thirty days continuously, part of the said three months,
and immediately preceding your removal to the electoral district in which
you now reside, you were a resident of and domiciled in the territory
comprising this electoral district.
6. That on the day of you removed from the
territory comprising this electoral district into the territory comprising
the electoral district of , in this city, and have since
continuously resided and been domiciled therein.
7. That during your residence for the said period of thirty days in the
territory comprising this electoral district you resided at (f)
8. That you now reside at (g)
9. That you are not disqualified or prohibited from voting at this
election and are as you believe entitled to vote thereat.
10. That you are of the full age of 21 years.
11. That you are not entered on the revised list of voters to be used
at this election as entitled to vote at both municipal elections and elections
to the Legislative Assembly.
12. That you have not been registered within twenty-nine days of this
date, either at this or any other sitting held for the registration of Manhood
Suffrage Voters for Elections to the Legislative Assembly, either in this or
any other Electoral District.
13. That you have not received anything, nor has anything been pro-
mised you either directly or indirectly, either to induce you to promise
to vote or to apply for registration as a voter or for loss of time, travel-
ling expenses, hire of team, or any other service connected therewith.
So help you God.

K. L.

NOTE.—(a) If the applicant is a person who may by law affirm in civil cases
then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of applicant.

(c) Insert here occupation of applicant or if applicant has no occupation, state
the fact.

(d) Insert here the date of the FIRST sitting held for registration of voters.

(e) In case the voter has been temporarily absent for any of the purposes allow-
ed by law insert the words following, "except occasionally or temporarily, in the
prosecution of your occupation of (mentioning as the case may be a lumberman or
mariner or fisherman or in attendance as a student in an institution of learning in
the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant re-
sided in the electoral district in which he is to be registered, if it has a street
number, but if it has not, then insert instead a brief description that will define
its locality.

(g) Insert here the street and number of the house where applicant resides if
it has a street number, and if it has not then insert instead a brief description that
will define its local ty.

FORM

FORM 16A.

*(Referred to in Section 53.)*FORM OF OATH TO BE ADMINISTERED TO MANHOOD SUFFRAGE VOTERS
AT ELECTIONS IN CITIES.

1. You swear (1) that you are the person named or intended to be named by the name of _____ in the list of voters now shown to you in the poll book.

2. That you are a British subject by birth or naturalization.

3. That you resided within this Province for the twelve months next preceding the (2) _____ day of _____ 18 (3)

4. That you were on the said day in good faith a resident of and domiciled in this electoral district; that you have resided in this Electoral District continuously from the said day and that you are now actually residing and domiciled therein.

5. That you are entitled to vote at this election in this Electoral District.

6. That you are of the full age of 21 years.

7. That you have not voted before at this election, either at this or any other polling place.

8. That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other service connected therewith.

9. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) Insert here the day of the FIRST sitting held for the registration of Manhood Suffrage Voters, on which the poll book is based.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner or fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

FORM 16B.

*(Referred to in Section 53; see also Section 4 (2).)*FORM OF OATH TO BE ADMINISTERED TO MANHOOD SUFFRAGE VOTER
WHO DOES NOT VOTE IN THE ELECTORAL DISTRICT IN WHICH
HE RESIDES.

1. You swear (1) that you are the person named or intended to be named by the name of _____ in the list of voters now shown to you in the poll book.

2. That you are a British subject by birth or naturalization.

3. That you resided within this Province for the twelve months next preceding (2) the day of _____ 18 (3)

4. That you were on the said day in good faith a resident of and domiciled in this city; that you have resided in this city continuously from the said day and that you are now actually residing and domiciled therein.

5.

5. That during the period of three months preceding the said day, you had been for a period of at least thirty days continuously immediately preceding your removal to the electoral district in which you now reside, a resident of and domiciled in the territory comprising this electoral district.

6. That you are entitled to vote at this election in this Electoral District.

7. That you are of the full age of 21 years.

8. That you have not voted before at this election, either at this or any other polling place.

9. That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other service connected therewith.

10. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) Insert here the day of the FIRST sitting held for the registration of Manhood Suffrage Voters, on which the poll book is based.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner or fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

CHAPTER 5.

An Act to amend The Ontario Election Act, 1892.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V., c. 3, s. 38, sub-s. 1. amended.

1. Sub-section 1 of section 38 of *The Ontario Election Act, 1892*, is amended by inserting the words : “except as hereinafter provided,” after the word “diminished” in the sixth line of said sub-section.

55 V., c. 3, s. 38 amended.

2. Section 38 of the said Act is further amended by adding thereto the following as sub-section 2*a*.

Returning officer in cities may unite polling sub-divisions.

(2*a*.) In cities, the returning officer may in his discretion unite two or more adjoining polling sub-divisions and fix one polling place for the united sub-division; Provided always that such united polling sub-division shall not contain more than 200 voters.

CHAPTER 6.

An Act respecting Elections in the Outer Districts of the Province.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The 35th and 36th sections of *The Ontario Election Act*, 55 V. c. 3, ss. 35 and 36, relating to the nomination days and polling days in the Electoral Districts of Algoma West, Algoma East, Muskoka, Nipissing and Parry Sound, are hereby repealed.

CHAPTER 7.

An Act to secure the prompt punishment of persons guilty of Personation at Elections for the Legislative Assembly.

Assented to 5th May, 1894.

WHEREAS, it is expedient to facilitate the detention, arrest and punishment of persons guilty of the offence of personation ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application
of Act.

1. This Act applies to every city, town and incorporated village for which there is a Police Magistrate.

Mode of
recovering
penalty.

2.—(1) In case an information for the offence of personation under *The City Manhood Suffrage Registration Act, 1894*, is laid before a registrar under the said Act, or in case an information for the said offence under *The Ontario Election Act, 1892*, is laid before a deputy returning officer, and a warrant for the arrest of the offender is issued by such officer, under this Act, the punishment or penalty imposed by law, and which shall hereafter extend to the offence of personation under the said *Registration Act*, may be imposed or recovered in a summary manner before the police magistrate of the city, under chapter 74 of the Revised Statutes of Ontario, and every warrant purporting to have been issued by a registrar or deputy returning officer aforesaid shall *prima facie* be presumed to have been issued under this Act.

Imprisonment
on default of
payment of
fine

(2) If the person charged is convicted before the police magistrate and fails to pay the penalty forthwith, or within such time as may be limited by the magistrate, together with the costs, if costs are imposed by the magistrate, the person convicted shall be imprisoned for a period not exceeding one year and not less than three months, either with or without hard labour, unless the penalty and the costs imposed shall be sooner paid.

Deputy
returning
officer to take
informations.

3. Where a person is charged at a place of registration under the said *City Manhood Suffrage Registration Act, 1894*, or at a polling place with having committed the offence of personation, the registrar or deputy returning officer at such place may take the information on oath of the person making the charge, and it shall be the duty of the registrar or deputy returning officer to take the information, as aforesaid, when requested so to do on behalf of any of the candidates.

4. If a person against whom it is proposed to lay an information for personation has not left the place for registration or polling place, the registrar or deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person until an information can be drawn up.

Detaining offender while information is drawn up.

5. In case an information is laid charging any person with the offence of personation, as aforesaid, the registrar may on any day during which a sitting for registration is held, or the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person so charged, in order that he may be brought before the police magistrate to answer to the said information and to be further dealt with according to law.

Warrant for arrest of offender.

6. The said warrant shall be sufficient authority for any constable, peace officer or gaoler to detain any such person until he is brought before the magistrate, as aforesaid.

Warrant to be sufficient authority to constable, etc.

7. In case the correct name of the person charged with the offence is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the registrar or deputy returning officer, or the person charged may be described in such other manner as may suitably identify him. When the name of the person so charged is ascertained, such name shall be stated in any subsequent warrant or proceeding.

When name of person charged is unknown.

8. Every registrar's clerk and every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every registrar or deputy returning officer may appoint such special constables as he deems necessary for the like purpose; and such persons shall have full power to act without taking any oath.

Special constable.

9. Informations or warrants in respect of the said offence may be in accordance with the forms in the Schedule hereto, or to the like effect, but it shall not be necessary; that a warrant issued by a registrar or deputy returning officer should have a seal affixed thereto, and the omission of a seal, where a warrant purports to be sealed, shall not invalidate the warrant.

Form of information and warrant.

10. Every County Crown Attorney shall procure and keep on hand a sufficient supply of printed forms of informations and warrants suitable for facilitating action being taken under this Act, and shall upon the request of the Chairman of a Board of Manhood Suffrage Registrars furnish him with as many of such forms as such Chairman deems necessary for the use of the registrars, and shall upon the request of the returning

County Crown Attorney to supply forms.

turning officer furnish him with as many of such forms as the returning officer deems necessary for the use of his deputies; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of said forms of information and ten of said forms of warrant.

Allowance to
county crown
attorney for
supplying
forms.

11. For providing the said forms and furnishing the same to the said officers, the county attorney shall be allowed the sum of \$4 for each election for which such forms are so supplied, to be paid on the production of the receipts of the chairman and returning officer. The said fees and the disbursements of the county attorney in obtaining the said forms shall form part of the expenses of criminal justice.

55 V. c. 3, s.
159, sub-s. 2
amended.

12. Sub-section 2 of section 159 of *The Ontario Election Act, 1892*, is hereby amended by adding thereto the following words: "and shall on conviction be also liable to imprisonment for any period not less than six days or more than six months."

Penalty on
deputy return-
ing officer for
neglect of
duty.

13. Section 186 of *The Ontario Election Act, 1892*, shall extend to any wilful misfeasance or any wilful act or omission of a deputy returning officer or poll clerk in contravention of this Act.

SCHEDULE.

Form of Information on Oath for the Offence of Personation at a place of Registration of Manhood Suffrage Voters.

Province of Ontario,) The information of *James Thompson*
County of *Middlesex*,) of the city of *London*, *Carpenter*, laid
City of *London*,) this 5th day of *June*, A.D. 1894, before
To Wit: the undersigned, a registrar under *The City Manhood Suffrage Registration Act, 1894*, for the city of *London*.

The said informant says that he believes that *John Williams* (1) on this day at a sitting held in the city of *London* at a place of registration in the said city for the registration of voters under the said Act did commit the offence of personation contrary to the said Act for that the said *John Williams* (2) did (3) at the said time and place apply to be registered in the name of another person, that is to say in the name of *John Smith*.

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned. W. J.

NOTE:—(1) If the name of the person charged is unknown to the informant substitute "a person whose name to the informant is unknown, but who is now detained in the said polling place under my order."

(2) Or, "the said person aforesaid whose name is unknown."

(3) Or, "did at the same time and place apply to be again registered under the said Act although he had within twenty-nine days previously been registered in the said electoral district," (or as the case may be.)

(4) Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."

Form

Form of Warrant for Offence at Place of Registration.

Province of Ontario, } To all or any of the constables and
County of *Middlesex*, } other peace officers in the county of
City of *London*, } *Middlesex* and city of *London*.

To Wit :) Whereas information on oath (or solemn affirmation) has this day been laid before the undersigned a registrar for the city of *London* under *The City Manhood Suffrage Registration Act, 1894*, for that *John Williams* (1) on this day at a sitting held in the city of *London* at a place of registration in the said city for the registration of voters under the said Act, did commit the offence of personation contrary to the said Act, for that the said *John Williams* (2) did at the said time and place apply to be registered in the name of another person, that is to say *John Smith* (or as the case may be);

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *John Williams* and to bring him before the police magistrate of the said city to answer to the said information and to be further dealt with according to law.

Given under my hand this
A.D. 18

day of

W. J.

NOTE.—(1) If the name of the person charged is unknown substitute "a person whose name is unknown, but who is now detained in the polling place by my order and is being delivered into the custody of G. D., a constable of the said city."

(2) Or "the said person aforesaid whose name is unknown."

*Form of Information on Oath for the Offence of Personation
at a Polling Place.*

Province of Ontario, } The information of *James Thompson*
County of *Middlesex*, } of the city of *London*, *Carpenter*, laid
City of *London*, } this *5th* day of *June*, A. D. *1894*.

To Wit:) before the undersigned, a deputy
returning officer at a polling place held in the city of *London*
for an election being held to choose a member of the Legislative
Assembly of Ontario for the electoral district of the city of
London.

The said informant says that he believes that *John Williams* (1) on this day at the said polling place did commit the offence of personation contrary to the election law of Ontario, for that the said *John Williams* (2) did (3) at the said time and place apply for a ballot paper in the name of another person, that is to say in the name of *John Smith*.

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned.

W. J.

NOTE.—(1) If the name of the person charged is unknown to the informant substitute "a person whose name is to the informant unknown, but who is now detained in the said polling place under my order."

(2) Or, "the said person aforesaid whose name is unknown."

(3) Or, "did at the same time and place apply for a ballot paper in his own name although he had previously voted at the same election."

(4) Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."

Form

Form of Warrant for Offence at Polling Place.

Province of Ontario, } To all or any of the constables and
 County of *Middlesex*, } other peace officers in the county of
 City of *London*. } *Middlesex* and city of *London*:

To Wit: } Whereas information on oath (or
 solemn affirmation) has this day been laid before the under-
 signed, a deputy returning officer at a polling place held in
 the city of *London* for an election being held to choose a
 member of the Legislative Assembly of Ontario for the electoral
 district of the city of *London* for that *John Williams* (1) on
 this day at the said polling place did commit the offence of
 personation, contrary to the election law of Ontario, for that
 the said *John Williams* (2) did at the said time and place apply
 for a ballot paper in the name of another person, that is to say
 in the name of *John Smith* (or as the case may be);

These are therefore to command you in Her Majesty's name
 forthwith to apprehend the said *John Williams* and to bring
 him before the police magistrate of the said city to answer to
 the said information, and to be further dealt with according
 to law.

Given under my hand and seal this day of
 A. D. 18

W. J.

NOTE:—(1) *If the name of the person charged is unknown substitute "a person whose name is unknown, but who is now detained in the polling place and is being delivered into the custody of G. D., a constable of the said county."*

(2) *Or, "the said person aforesaid whose name is unknown."*

CHAPTER 8.

An Act respecting the Election of Licensees of Timber Limits to the Legislative Assembly.

Assented to 5th May, 1894.

WHEREAS it has always been understood in this Province Preamble.
 that persons are not disqualified to be elected as members of the Legislative Assembly by reason of holding or being interested in a license for cutting timber on Crown lands; and whereas a doubt as to the said matter has recently been suggested; and whereas it is expedient to remove such doubt;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person shall be held to have been or to be disqualified from being elected a member of the Legislative Assembly of this Province by reason of his holding a license for cutting timber on any Crown Lands of the Province, or being interested in any such license, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, or by reason of there having been or being money due or payable to Her Majesty in respect of timber cut under any such license; but no such license-holder or person interested as aforesaid shall vote on any question affecting such license or in which he is interested by reason of such license.

Timber
licensee not
disqualified
from sitting
in Legisla-
ture.

CHAPTER 9.

An Act to amend the Act respecting the Fees of certain Public Officers.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 17,
ss. 2 to 9
repealed.

1. Sections 2 to 9 inclusive, of the Act passed in the 55th year of Her Majesty's reign and intituled *An Act respecting the Fees of certain Public Officers* are hereby repealed and the following sections substituted therefor:—

Division court
fees up to
\$1,000
Rev. Stat. c.
51.

2. Subject to the provisions of *The Division Courts Act* as to payments on gross income to the Provincial Treasurer, and to this Act, every division court clerk shall be entitled to retain to his own use in each year his net income up to \$1,000.

Percentage
division court
fees payable
to province.

3. Of the further net income of each year he shall pay to the Provincial Treasurer the following percentages on the net income over \$1,000, viz.:

(a) On the excess over \$1,000, not exceeding \$1,500, ten per cent. thereof.

(b) On the excess over \$1,500, not exceeding \$2,000, twenty per cent. thereof.

(c) On the excess over \$2,000, not exceeding \$2,500, thirty per cent. thereof.

(d) On the excess over \$2,500, fifty per cent. thereof.

High court
and county
court fees.

4. Every local registrar of the High Court, clerk of the crown, deputy clerk of the crown, county court clerk and surrogate registrar shall be entitled to retain to his own use in each year the aggregate net income from all the offices held by him up to \$1,500.

Percentage
payable to
province.

5. Of the further net income of each year he shall pay to the Provincial Treasurer the following percentages on the net income over \$1,500, viz.:—

(a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof.

(b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof.

(c)

(c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof. Registrars' fees.

(d) On the excess over \$3,000, fifty per cent. thereof.

6. Subject to the provisions of *The Registry Act, 1893*, as to payments on gross income to municipalities, every registrar of deeds shall be entitled to retain to his own use in each year his net income up to \$1,500. 56 V., c. 21.

7. Of the further net income of each year he shall pay, subject to the proportions and conditions set forth in section 120 of *The Registry Act, 1893*, the following percentages on the net income over \$1,500, viz. :— Percentages on net income payable to county or city.

(a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof.

(b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof.

(c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof.

(d) On the excess over \$3,000, fifty per cent. thereof.

8. Every sheriff, county crown attorney (whether clerk of the peace or otherwise), and clerk of the peace, shall be entitled to retain to his own use in each year his net income up to \$2,000. Sheriffs, county attorneys and clerks of the peace.

9. Of the further net income of each year he shall pay to the Provincial Treasurer the following percentages on the net income over \$2,000, viz. : Percentage payable to the Province.

(a) on the excess over \$2,000, not exceeding \$2,500, ten per cent. thereof.

(b) On the excess over \$2,500, not exceeding \$3,000, twenty per cent. thereof.

(c) On the excess over \$3,000, not exceeding \$3,500, thirty per cent. thereof.

(d) On the excess over \$3,500, fifty per cent. thereof.

2. This Act shall come into force on the first day of January, 1895. Commencement of Act.

CHAPTER 10.

An Act to correct a clerical error in the schedule to the Act, 56 Victoria, chapter 5, respecting Sheriffs.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 5,
Schedule A,
amended.

1. Schedule A of the *Act respecting certain duties, liabilities and fees of Sheriffs*, passed in the 56th year of Her Majesty's reign and chaptered 5, is amended by striking out the word "four" occurring therein and substituting the word "seven."

CHAPTER 11.

An Act to provide for the final settlement of the
Common School Fund.*Assented to 5th May, 1894.*

WHEREAS this Province is interested, with the Province Preamble.
of Quebec, in a fund commonly called "The Common
School Fund," existing under the provisions of chapter 26 of
the Consolidated Statutes of Canada; and whereas this fund
originally consisted of one million acres of public lands situ-
ated in the Huron tract, in the Province of Ontario; and
whereas, at the time of Confederation, a large portion of
the said lands had been sold and partly realized by the
late Province of Canada, for the purposes of the said fund, and
the proceeds thereof passed to and are still in the possession
of the Dominion of Canada, to the credit of the said Pro-
vinces; and whereas, since Confederation, this Province has
sold some of the remaining portion of the said lands,
and collected amounts, both on account of the price of such
sales, and on account of the balances remaining unpaid of the
price of sales made prior to Confederation;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Lieutenant-Governor of this Province in Council, is
hereby authorized to agree with the Government of the Province
of Quebec, upon an amount to be paid by this Province for the
acquisition by it of the uncollected balances of the price of the
lands mentioned in the preamble of this Act, and for the pay-
ment by this Province of what may be considered the value of
the lands remaining unsold. Agreement
with Quebec
for purchase
of certain
balances, etc.,
authorized.

2. It shall be lawful for the Lieutenant-Governor in Council
to enter into an agreement with the Government of the
Dominion of Canada, and that of the Province of Quebec,
respectively, for the purpose of effecting a final division and
distribution between the said Provinces and final payment of
the principal of the said Common School Fund, and to enter into
such agreement with the Dominion of Canada and the Province
of Quebec as may be necessary for the division, distribution and
payment of the said principal, and for granting and giving to
all parties concerned such receipts and discharges, and signing
such deeds as may be necessary in the premises. Agreement
as to final
payment and
division, etc.,
of capital.

Arbitration in
default of
agreement.

3. In the event of the Governments of the two Provinces failing to agree on the proportion of the said division distribution and payment, the question may be referred to the arbitrators appointed in pursuance of the Act passed in the 54th year of Her Majesty's reign, and chaptered 2.

Receipts to
form part of
consolidated
revenue fund.

4. All sums of money received under this Act shall form part of the consolidated revenue fund of this Province.

CHAPTER 12.

An Act respecting the site of the new Legislative and Departmental Buildings.

Assented to 5th May, 1894.

WHEREAS the Act passed in the forty-third year of the reign of Her Majesty, chaptered 2, and intituled *An Act to provide for the erection of new Buildings for the accommodation of the Provincial Legislature and the Public Departments*, authorized the erection of new buildings with requisite appurtenances for the accommodation of the Legislature and the several departments of the public service on such portion of the ground in the city of Toronto forming part of the Queen's Park and lying to the north of the College avenue as might be found requisite and suitable for said new buildings; and the said Act also enacted and provided that such portion of the said ground as should by the Lieutenant-Governor in Council be deemed requisite for the purposes aforesaid, should be set off and ascertained by the Commissioner of Public Works for Ontario, and the same should thereupon become and be vested in the Crown for the public uses of the Province, freed and discharged from any and all trusts whatsoever; and whereas the said buildings are now completed; and whereas by Order in Council, approved the fifteenth day of March, 1894, so much of the said ground forming part of the said Queen's Park as is in the first section of this Act set forth and particularly described by metes and bounds, has, by the Lieutenant-Governor in Council, under and pursuant to the said Act, and the agreement set forth in the schedule thereto, been deemed and determined and been selected, designated and declared to be requisite and suitable for the purposes aforesaid and for the necessary, convenient and proper site of the said buildings, and the same has been set off and ascertained by the Commissioner of Public Works for Ontario; and whereas it is expedient to declare and enact that the said site of the said buildings has become and is now absolutely vested in the Crown for the public uses of the Province, freed and discharged from any and all trusts whatsoever;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the ground forming part of the said Queen's Park in the city of Toronto as is butted and bounded or may be otherwise known and described as follows, that is to say:—Commencing at a point sixty-six feet westerly from the

Preamble.

Site of Provincial Buildings and grounds adjacent vested in the Crown.

the stone monument planted at the north-west angle of lot number thirty-three as shown on the plans of the sub-division of park lots numbers eleven, twelve and thirteen in the city of Toronto, the property of the University of Toronto, and registered in the registry office of the city of Toronto as plans No. D 18 and No. D 178, the aforesaid sixty-six feet to be measured at right angles to the westerly limit of said lot number thirty-three; thence south sixteen degrees east magnetic (original patent bearing) parallel to the westerly limit of lots thirty-three, thirty-two, thirty-one, thirty, twenty-nine and twenty-eight, as shown on the aforesaid plan No. D 18, six hundred and forty-eight feet and eight inches; thence south seventy-four degrees and twenty-eight minutes west parallel to the southerly limit of the said lot number twenty-eight six hundred and twelve feet and five inches to the easterly side of that certain drive or roadway lying and situate on the westerly side of said Queen's Park, and sometimes called the west or city drive; thence northerly along the east side of the said west or city drive and following its curves and bends as follows: north two degrees and twenty-eight minutes east sixty feet, north five degrees and twenty-six minutes west seventy-eight feet, north thirty-eight degrees and four minutes west one hundred and eighteen feet, north thirty-six degrees and eleven minutes west sixty feet and one inch, north thirty degrees and forty-eight minutes west one hundred and seventy-nine feet and nine inches, north ten degrees and eight minutes west forty-seven feet and one inch, north twenty degrees and eighteen minutes east forty-four feet and one inch, north forty-one degrees and twenty-four minutes east thirty-seven feet and five inches, north forty-four degrees and five minutes east fifty feet and six inches, and north twenty-six degrees and nineteen minutes east fifty-eight feet three inches, more or less, to the intersection of the east side of the said west or city drive with a line drawn westerly from the place of beginning at right angles from the westerly limit of the aforesaid lot number thirty-three, and thence north seventy-four degrees east five hundred and forty-five feet more or less to the place of beginning, containing by admeasurement nine acres and thirty-six one-hundredths of an acre—is hereby declared and determined to be requisite and suitable for the purposes mentioned in the preamble to this Act, and is hereby selected, designated and declared to be a necessary, convenient and proper site for the said new buildings, and the said ground and site are hereby absolutely vested in the Crown for the public uses of the Province, freed and discharged from any and all trusts whatsoever.

CHAPTER 13.

An Act respecting the Queen Victoria Niagara Falls Park.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the debentures issued and secured under section 7 of *The Queen Victoria Niagara Falls Park Act, 1887*, the Commissioners of the Queen Victoria Niagara Falls Park, may from time to time, with the approval of the Lieutenant-Governor in Council, issue further debentures to an amount not exceeding in all \$75,000, for necessary park improvements and purchase money of lands to be acquired by the issue of debentures. The appropriation and application of the proceeds, the form and effect of the debentures, their payment with interest, as also the security, guarantee and negotiability thereof shall be as provided by said section 7 with respect to the debentures therein mentioned.

Power to issue \$75,000 additional debentures for improvements.

50 V., c. 13, s. 7.

2. The Commissioners and The Niagara River Falls Park and River Railway Company may enter into an agreement to extend the existing Electric Railway from Chippewa along the bank of the river Niagara southerly to a point on the said river not exceeding two miles from Chippewa.

Agreement for extension of electric railway.

3. Such agreement shall provide for the location and mode of construction of the said railway, and may include matters similar to such as are contained in the agreement of 4th December, 1891, between said parties, and in the Act passed in the 55th year of Her Majesty's reign, chaptered 96, validating said agreement, and may be on such terms and conditions as the commissioners and the railway company agree on.

Location and mode of construction of extension.

4. Such agreement shall have no force or effect without the approval of the Lieutenant-Governor in Council, and on such approval the railway company may exercise in respect of such extension, the powers exercisable by the said railway company in respect of the construction and operation of the electric railway between Queenston and Chippewa under the said Act 55 Victoria, chapter 96, and in accordance with the limitations therein contained, so far as the same may be consistent with the agreement aforesaid.

Approval of Lieutenant-Governor in Council.

55 V., c. 96.

Foreshore and
bed of
Niagara
River may be
vested in
commission-
ers.

50 V., c. 13.

Operating
cars across the
Clifton Sus-
pension
Bridge.

Confirmation
of agreements
between
Commission-
ers and
C. S. B. Co.

Granting
rights over
lands to
bridge com-
panies.

Rights not to
be granted in
park proper.

5. The Lieutenant-Governor in Council may at any time or from time to time, by Order in Council, vest in the commissioners, to be held for the purposes of the park and subject to any conditions which may be imposed by the Order in Council, any part or portions of the foreshores or bed of the river Niagara or lands covered with water in the said river Niagara, which do or doth lie in front of the lands vested in the commissioners by section 3 of *The Queen Victoria Niagara Falls Park Act, 1887*, and which at the time of the Order in Council may be the property of Ontario, which foreshores, bed of the river and lands so vested shall thenceforth form part of the park and be subject to the control of the commissioners like other park lands.

6. The commissioners may empower the Clifton Suspension Bridge Company to work cars by any power, except steam, to and from their proposed new bridge across the chain reserve, subject to any lawful order of the railway commissioners of the Privy Council of Canada in that behalf, and subject to the rights of or agreement with the Niagara Falls Park Railway Company.

7. Any agreement between the commissioners and the said Clifton Suspension Bridge Company which, if made hereafter, would be authorized by the preceding section, and which may be made before the passing of this Act, is confirmed as if made after the passing of this Act.

8. The commissioners may also, upon terms to be approved by the Lieutenant Governor in Council, grant to the Clifton Suspension Bridge Company, or any other duly incorporated bridge company, any rights over or in respect of lands held by the commissioners which may be required and agreed on for the purposes of building any new bridge over the Niagara river, or of confirming the present occupation of land by any bridge companies now existing.

9. This Act does not authorize the granting of any rights for the said purpose through the lands vested in the commissioners by section three of *The Queen Victoria Niagara Falls Park Act, 1887*, the same being the lands constituting what is sometimes called the Park proper.

CHAPTER 14.

An Act relating to Algonquin Park and the Township of Canisbay therein.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized to withdraw from the Algonquin Park the south-east quarter of the township of Canisbay, now a portion of said park.

Withdrawal of part of Canisbay from Park.

CHAPTER 15.

An Act to establish a Provincial Park at Rondeau.

Assented to 5th May, 1894.

Preamble.

WHEREAS it is expedient and in the public interest that a provincial park and reservation should be set apart and established in the county of Kent in this Province, and that the lands known as the Peninsula of Rondeau, or so much thereof as are the lands of the Province, shall be dedicated and established as such provincial park;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Rondeau Provincial Park Act*.

Description of lands.

2. The said tract of land, marsh and land covered with water, that is to say, so much of the said Rondeau peninsula as is the property of the said Province, may be known and described as follows: All that block of land, marsh and land covered with water bounded on the north by lot number twenty-four, in the broken front concession of the township of Harwich; on the east and south, by the waters of Lake Erie, and on the west, by the waters of the harbour of Rondeau, and the easterly break-water pier at the entrance to said harbour. Reserving thereout the land granted by letters patent, to Isaac Swartout in 1872, being lot number one, Pointe aux Pins, 58½ acres, and, also that part of the sand beach containing 15½ acres dividing the harbour of Rondeau from Lake Erie, vested in the Government of Canada for lighthouse purposes, but not including the five hundred acre block of ordnance land controlled or owned by the Government of Canada, the whole, exclusive of these reserves, containing an area of land, marsh and land covered with water, of four thousand, four hundred and forty-six acres more or less.

Dedication of land for park purposes.

3. The said tract of land and premises described in section 2 of this Act is hereby reserved and set apart as a public park, reservation and health resort for the benefit, advantage and enjoyment of the people of the Province, subject to the provisions of this Act, and of the regulations hereinafter mentioned, and shall be known as the Rondeau Provincial Park.

Lands not to be located or settled upon.

4. No person shall, except as hereinafter provided, locate, settle upon, use or occupy any portion of the said public park.

5. The park shall be under the control and management of the Department of Crown Lands, and the Lieutenant-Governor in Council may make regulations for the following purposes :—

(a) The care, preservation, management and improvement of the park, and of the watercourses, lakes, trees and shrubbery, and other matters therein ; Control of park, regulations.
Care and management.

(b) The lease for any term of years of such parcels of land in the park as he deems advisable, for the construction of buildings for habitation during the summer, and such other buildings as may be necessary for the accommodation of visitors or persons resorting to the park as a sanitarium or health or summer resort ; Leasing lots.

(c) The prevention and extinguishment of fires ; Fires.

(d) The issuing of licenses for shops, and for houses for the accommodation of visitors, and places for the accommodation of persons resorting to the park ; Licensing shops, etc.

(e) The removal and exclusion of trespassers ; Trespassers.

(f) The appointment of a park ranger to see to the carrying out of the provisions of this Act and the regulations made thereunder ; for defining his powers and duties, and providing for his salary or other remuneration, out of any moneys which may be voted for the purpose by the Legislature ; Park ranger.

(g) The imposition of penalties for any violation of the provisions of this Act or of the regulations made thereunder, not exceeding in each case the sum of \$50 and costs, or in default of payment, imprisonment for not more than three months ; Penalties.

(h) And, generally, for all purposes necessary to carry this Act into effect, according to the true intent and meaning thereof. General purposes.

6. Every regulation made as aforesaid shall, after publication for four consecutive weeks in the *Ontario Gazette*, and in any other manner that may be prescribed by the Lieutenant-Governor in Council, have the like force and effect as if herein enacted, and such regulations shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter. Publication of regulations.

7. No timber or wood shall be cut within the limits of said park, except dead or down wood, or in clearing for roads or other park purposes, or underbrushing in cleaning and maintaining the park as shall be provided for by regulation, and then only under the direction of the park ranger Cutting timber.

Sale of intoxicating liquors within the park.

8. No license for the sale of intoxicating liquors within the said park nor within one mile thereof shall be issued, and any intoxicating liquor found within the limits of the said park may be seized and destroyed by the park ranger, or by any constable or license inspector having authority within the county of Kent, and the said ranger shall have all the powers and authority of a license inspector for the purpose of enforcing the provisions of *The Liquor License Act* and the provisions of this Act, within the limits of the park, and shall for all purposes have the powers of a provincial constable.

Rev. Stat., c. 194.

Offences to which no special penalty attached.

9. Any person violating any provision of this Act shall, where no penalty is herein or by law or regulation otherwise provided, be liable to a penalty not exceeding \$25, and in default of payment thereof to imprisonment for a period not exceeding three months, with or without hard labour.

Liability of offenders for damages.

10. In addition to any penalty provided for by this Act for the violation of any of its provisions, the offender or offenders shall be liable for all damages caused by them, and the same may be recovered in any court of competent jurisdiction.

Imprisonment in default of payment of fine and costs.

11. In default of the payment of any penalty imposed by this Act and costs, by any person convicted of any offence under this Act, the offender may be committed to the common gaol for a period not exceeding three months, unless the penalty and costs and the costs and charges of the commitment and carrying the defendant to prison are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant of commitment; but no such commitment or warrant shall be void or be quashed or set aside by reason of such costs being incorrectly stated, but the same shall be amended by the insertion therein, at any stage of proceedings, of the correct amount.

Complainant and defendant to be competent and compellable witnesses.

12. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant shall also be a competent and compellable witness.

Who may try offences.

13. All prosecutions for the punishment of any offence under this Act, not specifically otherwise provided for by any Act or law, may take place before one or more of Her Majesty's justices of the peace having jurisdiction in the county of Kent.

14. One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty, and may be devoted towards paying the expenses incurred in carrying out the provisions of this Act, and the other half thereof when collected shall be paid over to the prosecutor or informant, together with any costs which he may have incurred and which may be collected. But nothing herein shall entitle the ranger to a share of, or to participate in, any fine or penalty. Application of fines.

15. Save where otherwise provided by this Act, in so far as they are applicable, the provisions and forms of the Act intituled *An Act respecting summary convictions before Justices of the Peace and Appeals to General Sessions* shall apply to prosecutions and proceedings under this Act, except in proceedings on appeal and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter shall be governed by the *Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and no other appeal shall be had or shall lie save under the Act aforesaid. Application of Rev. Stat. c. 74. Rev. Stat. c. 75.

CHAPTER 16.

An Act relating to Mines and Mining Lands.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Royalties
payable.

54 V. c. 8.

55 V. c. 9.

55 V. c. 9.

1.—(1) Instead of the royalties on ores and minerals reserved and payable to the Crown for the use of the Province under section 3 of *An Act to amend the General Mining Act*, being chapter 8 of the Acts passed in the 54th year of Her Majesty's reign, and under section 4 of *The Mines Act 1892*, there shall be so reserved and payable to the Crown on ores and minerals taken from the lands located, sold, granted or leased under the said Acts, after the 1st day of May, 1891, and on ores and minerals taken from all lands which may be hereafter located, sold, granted or leased by the Crown until the 1st day of January 1900, a uniform charge at the rate of two per cent. on the ores mentioned in articles *a* and *b* of said section 4, and a charge of not more than two per cent. on the ores mentioned in article *c*, when imposed by order of the Lieutenant-Governor in Council, such charge to be calculated upon the value of the ore—less the actual cost of raising the ore to the surface and the subsequent treatment thereof for the market, and subject to all the other conditions and provisos in *The Mines Act 1892* contained not inconsistent herewith, but subject in any case to the authority of the Lieutenant-Governor in Council to make regulations for the purposes of and as provided by sub-section 2 of said section 4.

(2) But nothing in this Act contained shall prevent the full operation of section 4 of the said Act, upon or in respect of all mining lands which may be located, granted, sold or leased by the Crown from and after the first day of January 1900, or upon or in respect of any mines thereon or minerals which shall be mined, wrought or taken therefrom.

(3) Nothing in this Act contained shall require the payment of any charge until after the expiration of the time provided for in sub-section 1 of said section 4, from the date of the patent or lease, nor until after the expiration of the time and in the case provided for in sub-section 3 of said section 4 from the date of the patent or lease.

55 V., c. 9, s.
2, amended.

2. Section 2 of *The Mines Act 1892* is amended by inserting after the word "all" in the tenth line of sub-section 1 thereof the words "roast yards, smelting furnaces and other," and after the word "sifted" in the fifth line of sub-section 2 thereof the word "roasted."

3. Sub-section 5 of section 10 of the said Act is amended by striking out the word "unsurveyed" in the first line thereof, and adding at the end of the said sub-section the words "but so that the area of any such location shall be not less than forty acres."

55 V., c. 9, s. 10, sub.-s. 5 amended.

4. Sections 12 and 29 of the said Act are hereby repealed and the following sections are substituted therefor respectively:—

55 V., c. 9, ss. 12 and 29 repealed.

12.—(1) The price per acre of all Crown lands to be sold as mining lands or locations in the districts of Algoma, Thunder Bay, Rainy River and that part of the district of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa shall be :

Price of mining locations.

- a. If in a surveyed township and within six miles of any railway..... \$3 00
- b. If elsewhere in surveyed territory..... 2 50
- c. If within six miles of any railway but in unsurveyed territory..... 2 50
- d. If situate elsewhere in unsurveyed territory .. 2 00

(2) The price per acre of all other Crown lands sold as mining lands or locations and lying south of the aforesaid lake and rivers shall be :

- a. If in a surveyed township and within six miles of any railway \$2 00
- b. If situate elsewhere..... 1 50

29.—(1) The Director of the Bureau of Mines may, on payment of a fee of \$10, grant to the party applying for the same a license to be called a "miner's license."

Miner's license.

(2) Every miner's license shall be in force for one year from the date thereof, and shall not be transferable, except with the consent of the Director of the Bureau of Mines; and only one person shall be named therein, who shall be called the licensee, and who, before the expiration of the license, or within not later than ten clear days thereafter, shall have the right to a renewal of the license by the Director of the Bureau, on payment to him of the like fee of \$10, or such other sum as may then be the fee fixed by law or regulation for a miner's license; but in the case of a remote mining division, the Commissioner of Crown Lands may authorize and empower the inspector of the division to issue or renew such license, subject to the conditions and requirements of this section or any regulation thereunder.

Duration, etc., of licenses.

Form of
license.

(3) A miner's license may be in the following form :—

PROVINCE OF ONTARIO.

No.	(Name of Division)	Mining Division	\$
	Bureau of Mines,	(Date.)	18
Miner's License.			

Issued to *A. B.*, in consideration of the payment of a fee of ten dollars, under the provisions of *The Mines Act 1892*, to be in force for one year from the date hereof.

C. D.

Director.

Fee on renewal of license.

(4) A miner's license shall not be renewed until after the payment of the fee of \$10.

55 V., c. 9, s. 30, amended.

5. Section 30 of the said Act is amended by adding at the end thereof the words "or the licensee may organize a company to work the same."

55 V., c. 9, s. 35, amended.

6. Section 35 of the said Act is amended by striking out the words "annual rent thereof at the rate of \$1 per acre has not been prepaid, or if the" in the third and fourth lines thereof, and also by striking out sub-section 2 thereof.

55 V., c. 9, s. 53, amended.

7. Section 53 of the said Act is amended by striking out the words "shall observe and keep the provisions of sections 54 and 55" after the word "mines" in the fourth line thereof and inserting in lieu thereof the words "and quarries shall observe and keep the provisions of sections 54, 55 and 60."

55 V., c. 9, s. 67, amended.

8. Section 67 of the said Act is amended by adding at the end thereof the following words: "and in conducting an enquiry into the cause of loss of life or of personal injury to any person in or about a mine, the inspector shall have power to take evidence upon oath."

55 V., c. 9, s. 69, amended.

9. Section 69 of the said Act is amended by adding thereto the following sub-section :—

Responsibility of contractor as to accidents.

(2) Where work of any sort in or about a mine is let to a contractor, he shall observe and carry out all the provisions of this Part for the prevention of accidents, and in any case of prosecution for an offence against this Act a contractor shall be liable to the same penalties and may be proceeded against in the same way and to the same extent and effect as if he were an owner or agent.

55 V. c. 9, s. 74, amended.

10. Section 74 of the said Act is amended by adding to Rule 2 thereof the following clause :—

Use of explosives in mines.

g. No gunpowder, dynamite or other explosive shall be used to blast or break up ore in roasts or heaps where by reason of the heated condition of such ore or otherwise there is any danger or risk of premature explosion of the charge.

And

And the said section is further amended by inserting in Rule 21 after the word "mine" in the sixth line thereof the words "or contractor or foreman employed in or about such mine."

11. Whereas the Crown is possessed of large tracts of lands within the Province believed to be rich in iron ores, and has granted other portions of lands of like character; and whereas little progress has hitherto been made in opening up and working deposits of such iron ores, and their development is desirable in the public interest and would tend to largely increase the value of lands still held by the Crown; it is therefore in the interest of the whole Province that the development of such ore deposits should be encouraged by the appropriation of a sum of money from the public funds of the Province, to be applied by way of aid to miners and producers of iron ores, and it is therefore further enacted:

That a sum not exceeding \$125,000 shall be and is hereby appropriated and set apart from and out of the surplus moneys forming a part of the Consolidated Revenue Fund of this Province, for the purpose of encouraging miners to open up and work the iron ore deposits of the Province; and such sum of \$125,000 shall be designated and known as the Iron Mining Fund.

Preamble.
Appropriation
for encourage-
ment of
mining.

12. The Treasurer of the Province may, with the authority of and under such regulations as may be made from time to time by the Lieutenant-Governor in Council, pay out of the said fund to the miners or producers of ore upon all iron ores which shall be raised or mined and smelted in the Province for a period of five years from the first day of July, 1894, the equivalent of one dollar per ton of the pig metal product of such ores; but no sum or part of said moneys shall be so paid until the said regulations governing payments shall be approved by the Legislative Assembly.

Payments
out of
appropriation.

13. Should a larger quantity of ore be raised or mined and smelted in any one year than the sum of \$25,000 will be sufficient to meet the payments at the rate and as provided in the foregoing sections, then payments to the miners or producers thereof shall be made upon a *pro rata* basis, so that no more than \$25,000 shall be paid for the produce of ores in any one year.

Not more
than \$25,000
to be paid out
in any year.

14 It is declared and provided that payments out of the foregoing appropriation of \$125,000 shall cease and determine with the payments of any sum or sums which shall have been earned during the said period of five years, and any part or balance of said sum remaining thereafter shall be returned to and become part of the consolidated revenue fund of the Province.

If appropri-
ation is not
exhausted in
five years.

Purchase of
drills for
exploring
purposes.

15. The Commissioner of Crown Lands may, out of the moneys voted for that purpose, purchase not more than two diamond drills to be used in exploratory drilling of ores or minerals in the Province, under rules and regulations to be made by the Lieutenant-Governor in Council.

The regulations shall, amongst other things, provide :

(1). For the control and working of the drills under the direction of a person or persons employed for the purpose by the Bureau of Mines.

(2) As to the payment of freight charges where the drills are used upon mines or lands other than those owned by the Crown ;

(3) As to the applications for the use of the drills and the method of dealing therewith ;

(4) As to the charges for the use of the drills and for damages thereto, or wear or tear connected therewith, and otherwise as to the Lieutenant-Governor in Council shall seem meet.

Approval of
regulations.

16. Regulations made under the preceding section shall be laid before the Legislative Assembly for approval within fifteen days after the first meeting thereof after such regulations have been made.

MINING COMPANIES.

Rev. Stat.
c. 157, s. 43,
amended.

17. Section 43 of *The Ontario Joint Stock Companies' Letters Patent Act*, being chapter 157 of the Revised Statutes of Ontario, 1887, is amended by inserting after the words "general meeting" in the last line of the said section, the following words:—

Sale of stock
by directors.

"Subject to the foregoing provisions any mining company may from time to time dispose of shares and stock at such times to such persons and on such terms and conditions and at such premium or discount and in such manner as the directors think advantageous to the company."

Limiting
liability of
shareholder in
mining com-
panies.
Rev. Stat.
c. 157.

18. Where application is hereafter made to the Lieutenant-Governor in Council for the incorporation by letters patent under *The Ontario Joint Stock Companies' Letters Patent Act*, of any company for mining purposes, such letters patent, may, if the petition of the applicants so requires, contain a provision that no liability beyond the amount actually paid upon stock in such company by the subscribers thereto or holders thereof shall attach to such subscriber or holder.

Certificate of
stock, what
to contain.

19. Where letters patent incorporating any such company have been issued containing the provision mentioned in section 18 of this Act, every certificate of stock issued by the company shall bear upon the face thereof, distinctly written or

printed

printed in red ink, after the name of the company the words "Incorporated under section 18 of *An Act relating to Mines and Mining Lands*," and where such stock is issued subject to further assessments the word "Assessable," or if not subject to further assessments the word "Non-assessable," as the case may be.

20. Every mining company, the charter of which contains the said provision, shall have written or printed on its charter, prospectuses, stock certificates, bonds, contracts, agreements, notices, advertisements and other official publications, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, and receipts of the company, immediately after or under the name of such company, and shall have engraved upon its seal, the words "non-personal liability"; and every such company which refuses or knowingly neglects to comply with this section shall incur a penalty of \$20 for every day during which such name is not so kept written or printed; and every director and manager of the company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

"Non-personal liability" to appear on documents issued by company.

21. In the event of any call or calls on stock in a company so incorporated, remaining unpaid by the subscriber thereto, or holder thereof, for a period of sixty days after notice and demand of payment, such stock may be declared to be in default, and the secretary of the company may advertise such stock for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published in the nearest place to said office, for a period of one month; and said notice shall contain the numbers of the certificate or certificates of such stock and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such stockholder by registered letter mailed to his last known address; and if the subscriber or holder of such stock shall fail to pay the amount due upon such stock, with interest upon the same and cost of advertising, before the time fixed for such sale, the secretary shall proceed to sell the same or such portion thereof as shall suffice to pay such assessment, together with interest and cost of advertising; provided that if the price of the stock so sold exceed the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting stockholder.

Sale of stock on non-payment of calls.

22. No shareholder or subscriber for stock in any company so incorporated shall be personally liable for non-payment of any calls

Extent of liability of shareholders.

calls made upon his stock, beyond the forfeiture and sale, in the event of non-payment of such calls of the amount, if any, already paid on the stock held or subscribed for, nor shall such shareholder or subscriber be personally liable for any debt contracted by the company or for any sum payable by the company, beyond the amount, if any, paid by him upon such stock.

Liability of
directors for
workmen's
wages.

Rev. Stat.
c. 157, s. 68.

23. Notwithstanding anything contained in this Act the provisions of section 68 of *The Ontario Joint Stock Companies' Letters Patent Act*, shall apply to any company incorporated under this Act and to the directors, labourers servants and apprentices thereof.

Inconsistent
enactments
repealed.

24. All Acts and parts of Acts inconsistent with this Act are repealed so far as the same relate to companies incorporated for mining purposes under section 18 of this Act.

CHAPTER 17.

An Act to amend The Agriculture and Arts Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 1 of section 81 of *The Agriculture and Arts Act* as enacted by the Act passed in the 56th year of Her Majesty's reign, chaptered 9, is repealed and the following substituted therefor :—

Rev. Stat. c.
39, s. 81, sub-
sec. 1, repealed

(1) The municipal council of any city, town, village, county or township in this Province may grant or loan money or grant land in aid of the Agriculture and Arts' Association, or in aid of any agricultural society or horticultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister of Agriculture in the case of a township agricultural society; and if such grant is a loan of money to enable the said association or society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid. Provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned, by any municipality to an agricultural society under this section shall not exceed, in the case of a city, \$3,000, in the case of a township or town, \$2,000, and in the case of a village, \$1,000.

Aid from
municipal
councils to
agricultural
associations.

CHAPTER 18.

An Act respecting allowances to the Supreme Court
Judges of the Province.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 56 V., c 12,
application of. 1. The Act passed in the 56th year of Her Majesty's reign, chaptered 12, intituled, *An Act respecting the Judges of the Supreme Court of Judicature for Ontario*, shall not be deemed to apply to those judges who previously to the passing of the said Act had been receiving an allowance as mentioned in the preamble to the said Act.
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CHAPTER 19.

An Act respecting High Court Sittings in the County
of York.*Assented to 5th May, 1894.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sittings of the High Court at the county town of the county of York between the Easter Sittings and the first day of July of the present year shall not be held, and whenever in future years the judges on inquiry shall ascertain that such sittings for the then year are not required for the administration of justice, it shall not be necessary to hold the same or to appoint a day for holding the same.

Sitting of
High Court
for County of
York.

CHAPTER 20.

An Act to facilitate the local Administration of Justice in Certain Cases.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sittings of High Court at Ottawa and London.

1. Sittings of the High Court of Justice shall be held at Ottawa and London respectively at least one day in each week except during the long and Christmas vacations ; and all proceedings in any action or matter in the said court which may be heard and disposed of before a single judge in court, or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the master in chambers or local judge), may be heard and determined at such weekly sittings in the cases following :

Matters which may be heard at such sittings.

(1) Where the solicitors for all parties reside in the county in which the sittings are held ;

(2) Or where such solicitors who do not so reside shall consent in writing under their hands, to the proceeding being heard at the said sitting ;

(3) Or where such solicitors as do not so reside or so consent as aforesaid shall have registered their names in the book to be kept as hereinafter provided ;

(4) Or where the solicitors for all parties are so resident or consent as aforesaid with the exception of the solicitor for the party on whose behalf and at whose instance the proceeding is being taken ;

(5) Or where the party making and entitled to make an *ex parte* motion sees fit to make it at said sittings ;

(6) Or where any rules of court made hereafter, or where any court or judge, may direct any proceedings to be heard at such sittings.

Notice of matters to be heard at sittings.

2. To avoid the necessity of a judge attending when there is no business, all proceedings to be brought on at any weekly sittings shall be entered for that purpose with the registrar on or previously to the day next but one before the day appointed for the sittings ; and it shall be the duty of the registrar on the evening of the last day for making such entries to notify by mail or telegraph the registrar of the chancery division of the High Court at Toronto, or any other officer of the High Court named for this purpose from time to time by the

the court, as to whether any and what business has been so entered, and the said registrar or other officer shall forthwith by note in writing inform the judge appointed to attend at such sittings; and if no business has been so entered it shall not be necessary for any judge to attend.

3. Solicitors desiring to be registered shall file with the deputy clerk of the Crown or local registrar at the place of such sittings a request to the effect following:—

Form of declaration by solicitors desiring to be registered.

I (*or in the case of a firm, we*) hereby request the deputy clerk of the Crown (*or local registrar*) of the High Court at Ottawa (*or London*) to register my (*or our*) name as consenting to the hearing and disposal at the sittings of the High Court at Ottawa (*or London as the case may be*) of all proceedings in which I (*or we*) may be acting as solicitor (*or solicitors*) as provided by the *Act to facilitate the local Administration of Justice in certain cases*.

4. The deputy clerk of the Crown or local registrar at Ottawa and London respectively shall in regard to matters under this Act perform the duties pertaining to the clerk of records and writs and the registrar or clerk in court or chambers at Osgoode Hall.

Duties of deputy clerks.

5.—(1) A book to be called “The Middlesex (*or Carleton*) Consent Register” shall be kept by the deputy clerk of the Crown or local registrar at Ottawa and London respectively, wherein shall be recorded such requests as aforesaid and the names of the local agents (if any) of the solicitors filing the said request; and such solicitors so registered shall be deemed to have consented to the hearing at the said sittings of any proceeding that may lawfully be made thereat.

“Consent register.”

(2) This book shall be open to inspection by any solicitor or his clerk without fee or reward.

(3) A solicitor who files such request may at any time withdraw the same by giving to the same officer notice in writing to that effect as respects future actions. In respect of actions begun before such withdrawal the order of a judge made on notice shall be necessary. The local registrar upon receiving such notice of withdrawal or such order of a judge shall forthwith make an entry thereof in the said book.

(4) A judge holding any such sittings shall take judicial notice of the said book and the entries therein.

6. Proceedings in this Act shall be deemed to include motions, petitions, demurrers, special cases, appeals and other proceedings and matters generally, which by the law and practice of the said court may be heard and disposed of by a single judge in court as aforesaid.

“Proceedings,” what to include.

Fees.

7. Where proceedings are taken under the provisions of this Act, no greater fees shall be taxed as between party and party or between solicitor and client than would have been taxable had such proceedings been carried on in accordance with the previously existing practice.

When judge
unable to
attend on day
fixed.

8.—(1) Where the judge whose duty it is to hold such sittings is not able to hold the same on the day appointed for that purpose, such sittings may be presided over by some other judge of the High Court, or by the judge of any county court in Ontario or by one of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario; upon such judge of a county court or counsel being requested by a judge of the High Court to attend for that purpose.

(2) Such judge or counsel while holding the sitting shall possess all the powers and authorities of a judge of the High Court.

Illness or
absence of
county
judge.

9. In case of the illness or absence of the judge of a county court, such county court may be presided over by a judge of any other county court in the Province, or by one of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario, upon such judge or counsel being requested so to do by the first mentioned judge.

Application of
Rev. Stat.,
c. 44, ss. 107,
108, 109.

10. The 107th, 108th and 109th sections of *The Judicature Act* respecting general rules for the regulation of the practice of the High Court shall apply to matters under this Act, and until Rules of Court specially applicable to this Act are made, the present rules relating to setting down, and giving notices of motions and other matters, before a judge in Court or in Chambers in Toronto shall *mutatis mutandis* apply to proceedings under this Act.

Rev. Stat.
c. 44, s. 157.
amended.

11. Section 157 of *The Judicature Act* as amended by section 1 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 11, and by section 1 of the Act passed in the 56th year of Her Majesty's reign, chaptered 11, is further amended by adding thereto the following sub-section :—

Powers of
local judges as
judges of the
High Court
in certain
cases.

5. Every local judge of the High Court shall, in actions brought and proceedings taken in his county, possess the like powers as a judge of the High Court sitting in court, with regard to hearing, determining and disposing of the following proceedings and matters, in case there are no infants who may have an adverse interest as respects such proceedings or matters; but in case there are such infants the consent of the official guardian shall be necessary and sufficient, viz. :—

(a) Motions for judgment and all other motions, matters and applications, (not including trials of actions) where all parties agree that the same shall be heard before such local

local judge; but this shall not apply to applications for payment of money out of court, or for dispensing with payment of money into court, unless it appears that no infants are concerned or unless the official guardian is a consenting party on behalf of such infants;

(b) Motions for judgment in undefended actions;

(c) Motions to appoint receivers after judgment by way of equitable execution;

(d) Applications for leave to serve short notice of a motion to be made before a judge sitting in court;

And the judgment or order of or directed by the local judge in any of the proceedings and matters in this sub-section referred to shall be entered, signed, sealed and issued by the deputy registrar or deputy clerk of the crown of the county and shall be and have the same force and effect and be enforceable in the like manner as a judgment or order of the High Court in other cases.

Provided that any person affected by any such decision, judgment or order of a local judge under paragraphs (a), (b) and (c) may appeal therefrom to a judge of the High Court sitting in court, and such appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges to a judge of the High Court in chambers in other cases.

12. The sittings of the High and County Courts for the trial of jury and non-jury cases shall not open earlier than one of the clock in the afternoon on the first day of the sittings, but this shall not prevent a non-jury trial being begun before one of the clock with the consent of the parties and of the Judge. This section shall not go into force until the 1st day of September, 1894.

Sittings to commence at one o'clock in the afternoon

13. The provisions of section 11 of this Act shall not apply to the local judges of the county of York.

Sec. 11 not to apply to York.

14. The first nine sections of this Act shall go into effect on the first day of January next after the passing hereof.

Commencement of Act.

CHAPTER 21.

An Act to extend the power of the High Court in respect of granting Maintenance to Infants.

Assented to 5th May 1894.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order for maintenance where estate settled for life with power of appointment in favour of children of life tenant.

1. Where by a will or other instrument property is given beneficially to any person for his life with a power of devising or appointing the same by will in favour of his children, or in favour of one or more of his children, the High Court may on the application, or with the consent, of the said tenant for life, order that such portion of the proceeds of the said property, as it may consider proper shall be applied towards the maintenance or education of any infant child in whose favour the said power might be exercised, notwithstanding there is a gift over in the event of there being no children to take under the said power, or notwithstanding there is a right conferred upon the said tenant for life or upon some other person in the said event to make a disposition of the said property in favour of some person or persons other than the said children.

Application of Act.

2. This Act shall extend to property coming within its terms where the will or other instrument under which it is held has gone into operation or has been executed before the passing hereof.

CHAPTER 22.

An Act to amend The Surrogate Courts' Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Notwithstanding anything to the contrary contained in any rule of court or other provision having the force of law, or in any bond or other security heretofore or hereafter made and entered into with respect to the administration of an estate, or in any letters probate or letters of administration, no executor or administrator shall be compellable to render an account of his executorship or administration to the surrogate court within eighteen months, where the value of the real and personal estate under administration is less than \$1,000, and the oaths to be taken hereafter by executors and administrators, and the bonds or other security to be given by administrators, and letters probate and letters of administration hereafter issued, where the estate involved is less than \$1,000, shall require the executor and administrator to render a just and full account of his executorship or administration only when thereunto lawfully required; provided however, that the executor or administrator, or any surety of the executor or administrator, or any person beneficially interested in such estate, or any creditor thereof, may, at any time during the said eighteen months after the issue of probate or administration, apply to the surrogate court to have such executor or administrator render a just and full account of his executorship or administration.

Passing
accounts when
estate under
\$1,000.

2. Where the whole estate of the testator or intestate exceeds in value the sum of \$400, but does not exceed in value the sum of \$1,000, the fees payable to the registrar and to the judge on proceedings under *The Surrogate Courts' Act* in non-contentious cases, shall hereafter be one-half of the fees now payable in the case of any estate which does not exceed in value the sum of \$1,000.

Fees of
registrar and
judge when
estate under
\$1,000.

3. As regards estates over \$1,000, the 19th of the Surrogate rules adopted by the Judges of the Supreme Court of Judicature for Ontario, is hereby suspended until after the next session of this Legislature, except where a party interested in an estate takes proceedings to obtain such inventory and accounting as therein mentioned.

Inventory and
accounts
when estate
exceeds
\$1,000

CHAPTER 23.

An Act to amend The Division Courts Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
51, s. 36
amended.

Renewal of
clerks' and
bailiffs'
covenants.

1. Section 36 of *The Division Courts Act* is amended by adding thereto the following as sub-section 2 thereof:—

(2) In the case of any such covenant requiring periodical renewal to keep it alive and in force, the renewal receipt granted for that purpose, shall be filed with the clerk of the peace in whose office the covenant has been filed, and shall be attached to the covenant to which it refers. The clerk of the peace, for receiving and filing the said receipt, shall be entitled to receive from the clerk or bailiff for so doing, the sum of fifty cents.

Rev. Stat. c.
51, s. 50,
sub-sec. 2
amended.

2. Sub-section 2 of section 50 of the said Act is amended by inserting after the word 'being,' in the fourth line thereof, the words, "or the Inspector of Division Courts."

Rev. Stat. c.
51, s. 298
amended.

Inspector to
be a member
board of
county judges.

3. Section 298 of the said Act is amended by adding thereto the following as sub-section 5 thereof:—

(5) The Inspector of Division Courts for the time being shall be a member of the said board.

Rev. Stat. c.
51, s. 144, ¹ amended.
Postponement
of judgment.

4. Section 144 of the said Act is amended by striking out all the words after the word "judgment," in the fourth line and inserting in lieu thereof the words, "until it is convenient for him to give the same, when he shall forthwith send the same to the clerk of the court, who shall, upon the receipt thereof by him, forthwith enter the judgment and notify the parties to the suit of the same; and such judgment shall be as effectual as if rendered in court at the trial."

Rev. Stat. c.
51, s. 155
amended.

5. Section 155 of the said Act is amended by striking out the words "pay to the clerk" in the sixth line thereof, and inserting in lieu thereof the words: "deposit with the clerk towards costs in the cause," and by inserting between the word "expenses" and the word "of," in the sixth line, the words "attending the summoning."

Rev. Stat. c.
51, s. 156
amended.

6. Section 156 of the said Act is amended by striking out the words "pay to the clerk" in the fourth line thereof, and inserting in lieu thereof the words: "deposit with

with the clerk towards costs in the cause," and by inserting after the word "expenses" and before the word "of" in the said fifth line the words, "attending the summoning," and by striking out the word "pay" in the eighth line, and inserting in lieu thereof the words "deposit with the clerk."

7. Section 168 of the said Act is amended by adding at the end thereof the words: "and each juror so called and sworn shall be paid the sum of ten cents; the moneys so paid shall be taxed as costs in the cause." Rev. Stat. c. 31, s. 168, amended.

8. Sections 223, 224, 225 and 226 of the said Act are repealed and the following provisions substituted therefor:— Rev. Stat. c. 51, ss. 223, 224, 225 and 226 repealed.

223.—(1) In case an execution against goods is returned *nulla bona*, and the sum remaining unsatisfied on the judgment under which the execution issued amounts to the sum of \$40, the party in whose favour the judgment was entered may sue out an execution against the lands of the party in default, and the clerk of the court in which such judgment was obtained shall, at the request of the party prosecuting the judgment, issue under the seal of the court a writ of execution against the lands of the party in default to the sheriff of the county in which the said return of *nulla bona* was made, or to the sheriff of any other county in this Province in which lands of the party in default are situate; and the said sheriff, on receipt of such execution, shall act upon the same, and it shall have the same force and effect against the lands of the party in default as if the said writ of execution had issued from the county court. Executions against lands.

(2) Until such judgment is fully paid and satisfied, the party entitled to the same may pursue the same remedy for the recovery thereof, or of any balance due thereon, as if the judgment had been obtained in the county court.

(3) The sheriff receiving such writ of execution shall make a return thereof, and pay any money made thereon, to the clerk of the court out of which such execution issued.

(4) After an execution has issued against lands under this Act, no further proceedings shall be had in the court from which the said execution issued, without either an order of the judge, or unless the judgment creditor, his attorney or agent, shall make and file with the clerk of the court from which the said execution issued an affidavit stating (1) That the judgment remains unsatisfied in whole or in part; (2) The amount, if any, which has been paid upon said judgment; (3) That execution against lands has been returned unsatisfied, or that he believes the judgment debtor has not sufficient lands in the county in which said execution against lands was issued to satisfy the said judgment.

(5) No execution against lands shall issue to the sheriff of any county until a *nulla bona* return has first been made in the cause by a bailiff of the court in which the judgment was recovered.

(6) The execution against lands issued under this Act may be in the form contained in schedule D to this Act.

Appointment
of place of
office of
division court
clerk.

9. Notwithstanding anything contained in this Act, or in any of the General Rules or forms now in force, or that may at any time hereafter be in force, in the division courts of this Province, the Lieutenant-Governor in Council, may designate and appoint the place within any division where the office of the clerk of such division shall be situated.

Books to be
kept by
clerks.

10. The books to be kept by the clerk, known as the Procedure book, and Foreign Procedure book, may be in the respective forms contained in Schedules B and C to this Act.

Cases where
amount
involved not
more than \$10.

11—(1) In any action brought in a division court, when the claim sought to be recovered does not exceed \$10, it shall not be necessary that the clerk should notify the plaintiff that no defence has been entered, nor shall the schedule or tariff of clerks' or bailiffs' fees now in force, or that at any time hereafter may be in force apply to or be taxable in any such action, except the fees for mileage to a bailiff, the fees for enforcing a warrant of attachment, warrant against the body or writ in replevin, and the fee allowed by item number twenty-four of the schedule of clerks' fees, for receiving papers from another division for service, entering the same, handing to the bailiff, receiving and entering his return.

Fees of clerk
and bailiffs.

(2) Excepting such fees as are hereinbefore excepted, the fees taxable to and to be received by the several clerks and bailiffs of the division courts in any action in which the sum sought to be recovered does not exceed \$10, shall be as follows :—

(a) To the clerk, for all services rendered by him as such clerk, from the time of entering the action or suing out a judgment or interpleader summons up to and including the entering of final judgment or final order on any such judgment or interpleader summons in case the action proceeds to judgment or final order. \$1 25

In case the action does not proceed to judgment or final order the fees heretofore or that may hereafter be payable but not exceeding in the whole the said sum.

For issuing writ of execution, warrant of attachment, or warrant for arrest of delinquent and entering the return thereto

50
(b)

- (b) To the bailiff, for all services rendered by him as such bailiff, in serving the summons and making his return thereof to the clerk of the court, or any other service that may be necessary before judgment is entered by the clerk or pronounced by the judge, mileage excepted \$0.40

For enforcing writ of execution, schedule of property seized or attached, bond, where necessary, and all other necessary acts done by him after seizure, mileage excepted, if money made, or case settled after levy. . . . 1.00

Necessary disbursements incurred in the care and removal of property shall be allowed, to be first allowed by the clerk, subject to the approval of the judge.

12 When it is by *The Division Courts Act* provided that a claim may be entered, or an action brought, or that any person or persons may be sued in any division court, such action may be brought, notwithstanding that the residence of the defendant is, at the time of bringing the action, out of the Province of Ontario, and such action may be brought in the division court in which the cause of action arose, and continued to completion in as full and effectual a manner as might have been the case if the defendant resided in the Province. Actions when defendant resides out of the Province.

13. The service of the summons in any such case may be made by a bailiff of the court out of which it is issued, or by some competent person, who may, either before or after the service, be approved by the judge or the clerk of the court for that purpose, but such summons shall be served at least fifteen days before the return day thereof. Service of summons on non-residents.

14. The necessary affidavit of service, if not made before a division court clerk, or a commissioner for taking affidavits in the Province, may be sworn before any notary public in the country in which such service has been made, and such affidavit shall be held to be as effectual as if made by a bailiff of the court, before the clerk. Proof of service.

15. Section 235 of *The Division Courts Act* is amended by striking out the word "either" in the 11th line thereof, and the said section is further amended by striking out all the words between the word "directed" in the 12th line of the said section and the word "requiring" in the 14th line thereof. Rev. Stat. c. 51, s. 285 amended.

Removal of
action by
certiorari.

16. Where it appears in an action otherwise of the proper competency of the division court that such court has not cognizance thereof from the title to land being brought in question or from the validity of a devise, bequest, or limitation under a will or settlement being disputed the action shall not on that account be dismissed but may by writ of *certiorari* be removed from the division court into the High Court upon such terms as to payment of costs or other terms as the judge making the order thinks fit.

Rev. Stat. c.
51, s. 177
amended.

17. Section 177 of the said Act is amended by adding thereto the following sub-section:—

Debts due by
unmarried

(2) If the debt is alleged or adjudged to be due by an unmarried person having no family depending on him for support, a statement to that effect shall be upon or annexed to the summons served on the garnishee; and in the absence of such statement, such unmarried person may be presumed by the garnishee to have a family depending on him for support.

Examination
of garnishee.

18. In cases in which judgment shall be recovered against a garnishee under sections 184 or 187 of the said Act, such garnishee shall be liable to be examined as a judgment debtor under sections 235 to 248 inclusive of the said Act.

Rev. Stat. c.
51, amended.

19. The said Act is amended by adding thereto the schedules to this Act as schedules B, C and D.

SCHEDULE B.

(Section 10.)

PROCEDURE BOOK.

Division Court of the
 No. 189
 Ensuing Sittings the day of 189
 vs.
 of of
 189

		No. or initial letter of item of tariff.	Bailiff.	Clerk.	\$
	<p>Received particulars of plaintiff's claim () for \$, and \$ towards costs</p> <p>Issued () summons to</p> <p>Summons ret'd. Served the day of 189 , by miles,</p> <p>The defendant having been served with special summons and particulars of claim, and not disputing the same,</p> <p>it is adjudged that the plaintiff recover \$ for debt, and \$ for costs.</p>				

Clerk.

SCHEDULE C.

(Section 10.)

FOREIGN PROCEDURE BOOK.

Division Court of the

No.

vs.

189

	Received summons from County of Issued summons to Bailiff Summons ret'd. Served the by	Division Court, Rec. Aff. day of Post.	
	Ret'd to Clerk of County of	Division Court, Bailiff's fees. Miles. Ser. Att.	

SCHEDULE D.

(Section 8.)

Execution against Lands.

In the Division Court of the Count of
Between A. B., Plaintiff,
and
C. D., Defendant.

Whereas, on the day of , A.D. 18 , the plaintiff duly recovered in the said court, holden in and for said Division, judgment against the defendant for \$ for debt, and \$ for costs of suit, which remain unsatisfied (*when judgment has been revived, add, "and on the day of A.D. 18 , the said judgment was duly revived."*) You are hereby required to levy of the lands and tenements of the defendant in the said count , the said moneys, amounting together to the sum of \$ and interest thereon at the rate of six per cent. per annum, from the day of A.D. 18 , together with your own fees, poundage and incidental expenses; so that you may have the same immediately after the execution hereof, and pay the same over to the clerk of this court for the plaintiff.

Given under the seal of the court, this day of ,
A.D. 18 .

Z. Y.,
Clerk.

To V. W.,
Sheriff of the Count of

CHAPTER 24.

An Act enabling Boards of Trade in Cities to appoint General Arbitrators for certain purposes.

Assented to 5th May, 1894.

WHEREAS the Board of Trade of the city of Toronto has Preamble.
 been enabled to procure the settlement of differences between the members of their corporation by arbitration with unusual economy and despatch ; and whereas the said board of trade has resolved that in the opinion of the board the success attendant on their system of arbitration justifies its extension to persons or corporations other than members of the board ; and whereas it is desirable to give effect to the experience of the said board and to extend such system aforesaid and its advantages to other cities where boards of trade have been established, in case such boards desire to avail themselves of this Act ;

Therefore Her Majesty, by and with the advice and consent, of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Boards of Trade General Arbitrations Act, 1894.* Short title.

2. It shall be the duty of the Council of the Board of Trade of the city of Toronto, hereinafter called "the Board," from time to time to determine the number of persons which, in the opinion of the Council, shall be sufficient to form a Chamber of Arbitration, from among whom Boards of Arbitration may be selected to hear and decide controversies, disputes or misunderstandings which may be voluntarily submitted to them for arbitration. Council of Toronto Board of Trade to determine number of arbitrators.

3.—(1) The council shall nominate from the community generally not less than thirty persons who shall have given their consent in writing to act as arbitrators ; out of which number there shall be elected by ballot by the members of the board of trade at a special meeting called for that purpose the number so determined upon by the council as sufficient to form a Chamber of Arbitration. Nomination of persons to act as arbitrators.

(2) Any of the persons so elected may be members of the board of trade, but such membership shall not be a necessary qualification of the persons elected. Qualification.

(3) Immediately after the election a list of the persons elected shall be published in *The Ontario Gazette* and such other papers as the council of the board may determine. Persons elected to be gazetted.

(4)

Term of office
of arbitrators.

(4) The appointment shall be for two years from the date of the election, provided nevertheless that if at the expiration of two years any arbitration shall be pending before any arbitrator, his appointment so far as such unfinished business is concerned shall not be affected until such business is determined.

Names of
arbitrators to
be kept posted
up.

(5) The names of such boards of arbitrators shall be continuously posted in the offices of the board of trade in the board of trade building.

Disqualifica-
tion of
arbitrators.

(6) Provided that if any person appointed as aforesaid to act as an arbitrator be convicted of any indictable offence, his appointment to act as such arbitrator shall forthwith be vacated, and if such person at such time is engaged in an arbitration, the other two shall have all the powers of the three to continue such arbitration and make an award.

Rooms to be
provided.

4. The board of trade is to provide parties who submit to arbitration under this Act with arbitration rooms and all necessary forms and papers, and is to do or cause to be done all such acts as they lawfully may do for the purpose of assisting the parties to the arbitration in the course of the arbitration.

Registrar and
his duties.

5. The secretary of the board shall be *ex officio* registrar of all arbitrations under this Act, unless the board make a separate appointment; and the duties of the registrar shall (in addition to any duties which the council of the board may by rules in writing prescribe) be as follows: he shall receive submissions and payment of fees and costs; shall notify the arbitrators and umpire of their appointment; give notice of hearing to parties; issue summonses for attendance of witnesses and production of documents; keep a register of submissions, a register of awards and reconciliations, and such other books and memoranda, and make such returns as the council of the board of trade shall from time to time require. He shall render such assistance to the arbitrator or arbitrators in the arbitration as he or they may require, and generally shall carry out the instructions of the board.

Number of
arbitrators at
arbitrations.

6. All arbitrations under this Act shall be held before one arbitrator or two or three arbitrators, according to the desire and agreement of the parties.

7. Parties assenting to an arbitration by an instrument in writing duly executed by them according to the form in Schedule A to this Act, or to that effect, and filing the same with the registrar, shall not be entitled to revoke the submission.

8. The arbitrators shall after their appointment and before acting in any case as arbitrators, take and subscribe an oath before a justice of the peace, or a commissioner for taking affidavits in the High Court of Justice, that they will faithfully, diligently and impartially perform their duties as arbitrators, and will in all cases to be submitted, give a true and just award according to the best of their judgment and ability without fear, favour or affection of or to any person whomsoever.

Arbitrators
to be sworn.

9. Arbitrators nominated by the parties under this Act shall in each case before they act, take and subscribe a similar oath; which may be in the form of Schedule B to this Act, and such oath shall be filed with the registrar.

Oaths.

10. Unless the contrary is agreed on, a submission to arbitration under this Act shall not be revoked or affected by the death of any party thereto, but the matters in difference may be determined in the same manner as if the award had been made in his lifetime, subject to any rules of evidence relating to claims against the estates of deceased persons; and his executors or administrators shall be deemed to be a party to the submission.

Submission
not revoked
by death of
parties.

11. Unless the submission contains words purporting that the parties intend that it shall not be made a rule or order of court, any party to the submission may at any time after the making of the award or certificate thereunder file such award or certificate together with the submission or a copy thereof (certified by the registrar aforesaid) in the office of the registrar of any of the divisions of the High Court of Justice.

Submission
may be made
a rule of
court.

12. The filing of an award or certificate together with the submission under the provisions of this Act shall have the same effect as the making of a submission to arbitration a rule or order of said court has under the existing law and practice of said court; and all provisions of the Act intituled *An Act respecting Arbitrations and References* and of the amendments thereto so far as the same relate to the enforcement of awards under voluntary submissions shall be applicable to the enforcing of awards under this Act.

Effect of filing
award or
certificate.

Rev. Stat.,
c. 53.

13. The Registrar, on the application of any party, by himself or his agent, may issue a summons for service by such party, commanding the attendance for examination of any witness, and also the production of any document, to and before the arbitrator or arbitrators, and at the time and place mentioned in the summons; and the disobedience of such summons shall render such witness liable to the same extent and in the same manner as the disobedience of a subpoena issued out of the High Court of Justice duly served, with an appointment of an arbitrator before whom the attendance is required under similar circumstances as now provided by law.

Compelling
attendance of
witnesses.

Such

Such summons may be to the effect of Form D in the schedule to this Act.

When arbitrators may proceed *ex parte*.

14. The arbitrator or arbitrators shall be at liberty to proceed in the absence of any party who, after reasonable notice, neglects or refuses to attend on the reference without having previously shewn to the arbitrator or arbitrators what such arbitrator or arbitrators shall consider good and sufficient cause for omitting to attend.

Witnesses to be examined on oath.

15. Persons giving evidence before the arbitrator or arbitrators shall be examined on oath or affirmation, which may be administered by the arbitrators, or one of the arbitrators, or by the registrar. All parties shall produce before the arbitrator or arbitrators all documents within their possession or control which the arbitrator or arbitrators may require or call for.

Production of documents.

Power to enlarge time for award.

16. The arbitrator or arbitrators shall make his or their award within twenty-one days after the signing of the submission, or on or before any later day to which he or they may in writing signed by him or them from time to time enlarge the period for making the award.

Award to be in writing.

17. The arbitrator or arbitrators shall make and publish his or their award in writing, signed by the arbitrator or arbitrators making the same, and shall deposit the same with the registrar; and every party to the reference may have a copy thereof upon payment of ten cents per folio of one hundred words, and the fees hereinafter provided for unless already paid.

Arbitrations to continue *de die in diem*.

18. The hearing of every case shall, so far as circumstances permit, and subject to such adjournments as the arbitrator or arbitrators shall think necessary or just, be continued *de die in diem*.

Barristers and solicitors.

19. If any party desires to be represented by a barrister, solicitor or agent, he shall, before the hearing, give two day's notice thereof to the registrar, and the registrar shall forthwith communicate the information to the other party, who thereafter shall have the privilege of being represented by a barrister, solicitor or agent without any notice.

Authority of agents.

20. Every person other than a barrister or solicitor appearing as the representative of any party shall file with the registrar a letter signed by such party authorizing such person to appear for him; otherwise such person shall not, without the consent of the other party or parties, be allowed to take any part in the proceedings.

21. The attendance of parties may be dispensed with if Special case. they prefer jointly to state a case, filed with the registrar, and agree to accept the decision of the arbitrator or arbitrators on such case. The award shall then be made on such stated case.

22. The sittings of arbitrators shall be considered private. Sittings to be private and no person shall be admitted thereto during the hearing of a case except the parties, and their legal advisers or authorized agents and witnesses; provided always that any other persons may be present by permission of the arbitrators, unless objected to by any of the parties. Such permission shall not be granted to reporters of the public press without the special request of all parties interested in the case.

23. The award may be set aside for fraud, but not for any Award may be set aside for fraud. other cause. Unless it is so set aside, the award shall be binding and conclusive upon the parties thereto, and be a final settlement of the matter in difference.

24. Any motion to set aside the award for fraud must be Time for motion to set aside for fraud made within one month after the discovery of such fraud.

25. A commission to take the testimony of any person Commissions to take evidence. without the Province, or of any aged or infirm person resident within the Province, or of a person who is about to withdraw therefrom, may be allowed by the arbitrator or arbitrators and may issue in the same manner and with the same effect as in an action brought in the High Court of Justice.

26. In any case not provided for by this Act the law and Practice in unprovided cases. practice relating to voluntary submissions to arbitration shall be applicable.

27. Five days' clear notice at least of the time fixed for the Notice of hearing. hearing of any case shall be given by the registrar to all parties to the submission, unless all parties otherwise agree.

28.—(1) The costs of the reference and award shall be Costs in discretion of arbitrator. in the discretion of the arbitrator or arbitrators, who shall have power to direct to and by whom and in what manner and within what time the same shall be paid. No fees or costs shall be payable except witness' fees, arbitrators' fees, registrar's fees and office fees.

(2) A witness shall be entitled to the same fees as in an action in the High Court of Justice.

29. The fees for arbitration under this Act shall be as Arbitrators' fees. follows: For each arbitrator who shall be present at the hearing of any case, a fee of not more than \$5 for each sitting; office fee, including registrar's assistance, forms, rooms, etc., \$5 for the first sitting, and \$3 for each sitting thereafter, the arbitrator or arbitrators to apportion such sum out of this as they

they see fit to the registrar for his attendance. The above scale shall apply unless the parties enter into an agreement in writing to pay specified fees of a larger amount.

Award of majority to be binding.

30. The award of the majority of the arbitrators shall be as binding and conclusive as the award of all three without any provision to that effect in the agreement; and any act which is directed by this Act to be done by a board of arbitrators shall be valid if done by any two of them; and in case of the appointment of three arbitrators the neglect or refusal of any arbitrator to act shall not invalidate the proceedings, but all proceedings may be taken by the majority of the board appointed under this Act.

Recovery of fees where award not taken up.

31. In case both parties to the submission refuse or neglect to take up the award within three days after notice has been sent by the registrar to the said parties by mail at their last known place of business or residence, then the registrar shall be entitled to obtain an order from the arbitrators or a majority of them for the payment of the fees hereinbefore provided for; and upon such order being produced to the clerk of the county court of the county he shall file the same, and shall issue execution in the name of the registrar against the goods and lands of the party or parties named therein as upon a judgment in such court, for the amount of such fees, and the costs proper to be taxed in the discretion of such clerk for the order and execution; and such execution shall have the same force and effect as an execution in any case in the said court.

Council of Board of Trade may make rules.

32. The council of the board of trade may make any rules and regulations for the efficient carrying out of the objects of this Act and the awards made thereunder, provided that the same are not inconsistent with the provisions of this Act.

Act not to affect arbitrations between members of the board.

33. This Act is not intended in any way to interfere with or qualify the provisions of the Act relating to the Board of Trade of the city of Toronto, or to arbitrations between the members thereof, or to the by-laws and rules framed under such Acts.

Formation of boards of arbitration in other cities.

34. Upon the application of a board of trade duly formed in pursuance of the Revised Statute of Canada, chapter 130, respecting the incorporation of boards of trade, or otherwise, in any city of this Province having at least 30,000 inhabitants according to the last preceding Dominion or municipal census, the Lieutenant-Governor in Council may direct that such board of trade of such city may avail itself of the provisions of this Act and form a chamber of arbitration as provided by this Act in the case of the Board of Trade of the city of Toronto, and such board of trade so availing itself of this Act shall, after the order in council, have all the powers conferred by this Act upon the Board of Trade of the city of Toronto.

(2) The order in council shall be sufficient evidence that the city named therein is a city to which this section is applicable.

(3) A copy of the order in council shall be laid before the Legislative Assembly at the first session after the making of such Order.

SCHEDULE⁷ A.

(Section 7.)

Agreement made this day of ~~1894~~ 1894,
between of and of ~~1894~~

Whereas differences have arisen between the parties hereto in respect of and they have agreed to refer such differences to arbitration upon the terms and conditions contained in the Act of the Legislature of the Province of Ontario intituled *An Act enabling Boards of Trade in Cities to appoint General Arbitrators for certain purposes* :

Now it is hereby agreed by the said parties that all matters in difference between them in relation to the premises shall be and are hereby referred to and, in case they cannot agree upon a third arbitrator within three days, to such third arbitrator as the registrar of the chamber of arbitrators may select.

In witness whereof the said parties have hereunto set their hands and seals.

Signed, sealed and delivered }	[L.S.]
in the presence of }	[L.S.]

SCHEDULE B.

(Section 9.)

Form of Oaths by Arbitrators.

I, solemnly swear that I will faithfully, diligently and impartially perform my duty as arbitrator, and I will in all cases (or in the case between and now) submitted to me, give a true and just award according to the best of my judgment and ability, without fear, favour, affection of or for any party or person whomsoever.
So help me God.

SCHEDULE

SCHEDULE C.

(Section 15.)

Form of Oath, Witnesses.

You solemnly swear that you will true answer make to all such questions as shall be asked of you as a witness under examination in this case between _____ and _____ and therein, and you will to the best of your knowledge, information and belief, speak the truth, the whole truth and nothing but the truth. So help you God.

SCHEDULE D.

(Section 13.)

SUMMONS TO WITNESS.

In the matter of an arbitration between *A. B.* and *C. D.*

Under the Boards of Trade General Arbitrations Act, 1894

To *E. F.*

Whereas an arbitration between the above parties is now pending; and whereas _____ one of the parties thereto desires that you should attend before the arbitrator (*or arbitrators*) to give evidence, and has (*or have*) authorized and required me _____ as registrar to issue this summons for your attendance, I do hereby in the exercise of the powers in this behalf given by the said Act, summon and require you to attend at _____ on _____ the _____ day of _____ at the hour of _____ in the _____ noon of the said day at _____ before the said arbitrator (*or arbitrators*) there to be examined and give evidence on behalf of _____ and also to bring with you and produce at the time and place aforesaid (*specify documents to be produced*).

In default of your attending at the time and place aforesaid you are liable to be proceeded against under the provisions of *The Boards of Trade General Arbitrations Act, 1894*.

In witness whereof I have hereto set my hand this day of _____

CHAPTER 25.

An Act respecting Witness Fees.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where upon the trial of any action or proceeding any person is subpoenaed as a witness, and gives evidence, who is entitled under any statute or rule of court or other provision having the force of law in this Province, to receive an increased witness fee for evidence given by him in his professional capacity, or as an expert, no greater fee shall be allowed to such witness on any taxation of costs than those payable to witnesses in other cases, unless the judge or other officer, before whom such action or other proceeding was tried, shall certify that the evidence given by such witness was of an expert or professional character or was produced on account of the skill or professional knowledge possessed by such witness ; and no public official or other witness subpoenaed or called upon to produce before any court or other tribunal any public or other document shall be entitled to more than ordinary witness fees, anything in the rules of court or tariffs prescribed thereunder to the contrary notwithstanding.

Fees of
professional
persons giving
evidence and
certain officers
producing
documents.

CHAPTER 26.

An Act respecting Writs of Execution.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lands and goods to be included in one writ.

1. Every writ of execution hereafter issuing under any judgment or order of a court or judge for the payment of money shall be issued against both the lands and tenements and the goods and chattels of the execution debtor, and every writ of execution hereafter issued shall be according to the forms heretofore provided, save that the same shall direct the sheriff to levy the amount therein named of the goods and chattels and lands and tenements of the execution debtor; provided this section shall not take effect until on, from and after the 1st day of January, 1895.

Writs not to be renewed.

2. It shall not be necessary to renew from year to year any writ of execution now in the hands of a sheriff or hereafter issued, but all such writs of execution shall remain in force for a period of three years, or until satisfied in the meantime by payment or withdrawal by the party prosecuting the same.

Division court executions.

3. In any action in a division court in which judgment is recovered for the sum of \$40 or upwards, irrespective of costs, a writ, or writs, of execution under the seal of the court against the lands of the debtor may be issued by the clerk directed to the sheriff of the county or counties in which such lands are situate, and the same shall have the same force and effect and shall be executed by the sheriff in the same manner as executions affecting lands heretofore issued from a county court. The sheriff shall be entitled to the same fees upon any such writ of execution issued from a division court as upon writs of execution issued against lands and tenements from a County Court prior to the passing of this Act.

Proving titles under division court executions.

4. In proving title under a sheriff's conveyance based upon an execution issued from the division court it shall be sufficient to prove the judgment recovered in the division court without proof of any prior proceedings.

Inconsistent provisions repealed.

5. All provisions inconsistent with this Act contained in any former Act or in any rule of court are repealed.

CHAPTER

CHAPTER 27.

An Act respecting the Law of Libel.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as "*The Law of Libel Act, 1894.*" Short title.

2. In this Act the word "newspaper" shall mean any paper containing public news, intelligence, or occurrences, or any remarks or observations thereon, printed for sale and published in the Province of Ontario periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such papers, parts or numbers, and any paper printed in order to be dispersed and made public, weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements. Interpretation "newspaper."

3. Upon the trial of any action for libel contained in a newspaper, the defendant shall be at liberty to give in evidence, in mitigation of damages, that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought. Evidence in mitigation of damages.

4. Every action for libel contained in a newspaper shall be commenced within three months after the publication complained of has come to the notice or knowledge of the person defamed. But where an action is brought and is maintainable for any libel published within said period of three months such action may include a claim or claims for any other libel or libels published against the plaintiff or plaintiffs by the defendant in the same newspaper within a period of one year prior to the commencement of the action. Time within which action must be brought.

5.—(1) It shall be competent for a judge of the High Court of Justice upon an application by or on behalf of two or more defendants, in any actions for the same or substantially the same libel, brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants, in any new actions, instituted in respect to the same or substantially the same libel, shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. Consolidation of different actions for same libel.

How damages assessed and costs apportioned in such cases.

(2) In a consolidated action under this section the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately; and if the jury shall have found a verdict against the defendant or defendants, in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last mentioned defendants; and the judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants.

Joinder of certain persons as party defendants.

6.—(1) In any action instituted for the publication in a newspaper of any defamatory matter which has been communicated in writing by any person to such newspaper with a view to its publication therein, the defendant may at any stage of the proceedings, upon notice to such person and an affidavit verifying the facts, apply to a judge in chambers for an order joining such person as a party defendant in the action, and such person may be so joined on such terms as may appear to be just; and thereafter the defendant in the action, who is charged with the publication in the newspaper of the defamatory matter complained of, may claim in the action against the party so joined as aforesaid any remedy over or relief to which, under the circumstances he may by law be entitled against such party.

(2) This section shall not apply where the defamatory matter was known by the defendant to be untrue, or was contained in an anonymous communication.

Order for security for costs under Rev. Stat., c. 57, s. 9 to be final

7. An order of a judge of the High Court granting or refusing security for costs in an action for libel contained in a newspaper, made under section 9 of the *Act respecting Actions for Libel and Slander*, shall be final and shall not be subject to appeal, and where the order is made by a local judge the same may be appealed to a judge of the High Court sitting in Chambers and the order made by such High Court judge shall be final and shall not be subject to any appeal.

Inconsistent enactments.

8. All Acts and parts of Acts or rules of court or other provisions having the force of law, which are inconsistent with this Act are repealed so far as the same relate to actions for libels contained in newspapers.

Act incorporated with Rev. Stat., c. 57, and 52 V., c. 14.

9. This Act shall be read with and shall form part of the *Act respecting Actions of Libel and Slander*, and *The Law of Slander Amendment Act, 1889*.

Rights of newspaper not published in Ontario.
Rev. Stat., c. 57.

10. Nothing in this Act contained shall be construed as taking away any right which a newspaper not published in the Province of Ontario may have under the said *Act respecting Actions of Libel and Slander* and the Act amending the same.

CHAPTER 28.

An Act to amend the Act respecting Police
Magistrates.*Assented to 5th May, 1894.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 27 of the *Act Respecting Police Magistrates* is amended by adding the following thereto as sub-section 2:—

Rev. Stat., c.
72, s. 27,
amended.

(2) In cities having a population of over 30,000, no police magistrate hereafter appointed, shall, while acting in such office, practise as a barrister or solicitor.

2. Section 4 of *The Ontario Election Act, 1892*, is amended by inserting the words "police magistrates in cities having a population of over 30,000" after the words "stipendiary magistrates" in the 6th line of the said section.

55 V., c. 3, s.
4, amended.
Certain
police magis-
trates not to
vote.

CHAPTER 29.

An Act respecting Deputy Police Magistrates in certain Cities.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lieutenant-Governor may appoint deputy.

1. (1) Where the Lieutenant-Governor in Council is of opinion that the due administration of justice requires the appointment of a deputy police magistrate for a city containing not less than 40,000 inhabitants, the Lieutenant-Governor in Council may appoint a deputy police magistrate accordingly, who shall hold office without salary ; but this provision as to salary shall not be construed as preventing the municipal council of the city from paying a salary if such municipal council sees fit.

(2) The appointment may be made notwithstanding that the office of police magistrate is vacant by death or resignation or that the police magistrate is ill or absent at the time of the appointment of such deputy police magistrate.

Tenure of office.

2. Every deputy police magistrate shall hold office during pleasure ; and shall, in case of the death, illness or absence of the police magistrate, or on the request of the police magistrate, have authority to perform in the place of the police magistrate all the duties and exercise all the powers of and incident to the office of police magistrate and to perform all acts required or allowed to be done by a police magistrate.

Oaths.

3. Before doing any act as deputy police magistrate, the person appointed shall take the same oath of office as a police magistrate, and such oath may be taken before any of the persons authorized to administer the oath of a police magistrate, and shall in the same manner be filed in the office of the clerk of the peace.

Fees of Deputy Police Magistrate.

4. The Deputy Police Magistrate shall be entitled to receive the same fees and emoluments as are paid to Justices of the Peace, and in case the Police Magistrate is paid by a fixed salary, the said fees and emoluments, whether received by the Deputy Police Magistrate as such Deputy or as a Justice of the Peace, shall be paid to the municipality and form part of its funds, and the other provisions of section 25 of the *Act respecting Police Magistrates* shall also apply to such deputy.

Rev. Stat., c. 72.

5. Nothing in this Act contained shall be construed to prevent one justice of the peace from acting for the police magistrate or deputy police magistrate or otherwise in all matters in which but for this Act one justice of the peace would have jurisdiction in that behalf.

Jurisdiction of justice of the peace acting for magistrate not affected.

6. The appointment by the Lieutenant-Governor of a deputy police magistrate for any city purporting to be made under this Act, or stating the population of said city at some number not less than 40,000, shall be conclusive evidence that the city for which the appointment is made is a city within the meaning of this Act.

Appointment to be evidence as to population of city.

CHAPTER 30.

An Act respecting the Clerk of the Peace in the County of Carleton.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Jurors' rolls, etc., prepared by acting clerk of the Peace, confirmed.

1. The jurors' books and jurors' rolls for the county of Carleton, heretofore prepared by W. A. D. Lees, Esquire, for the said county for the present year and all other acts done in pursuance of *The Jurors Act* by the said W. A. D. Lees, acting as clerk of the peace in and for the said county of Carleton, in the place of his father Robert Lees, late county crown attorney and clerk of the peace for the said county of Carleton, deceased, shall be and are hereby validated and confirmed, notwithstanding that the said W. A. D. Lees held at the time of the doing thereof no commission from the Lieutenant-Governor as clerk of the peace, and all trials or proceedings heretofore or hereafter taken before any jury selected from such rolls shall be as legal, valid, and effectual as if such books and rolls had been prepared, and all duties in the premises had been duly performed, by a clerk of the peace appointed by the Lieutenant-Governor, and any objection that such jury books and rolls or other Acts are irregular, or that any trial or proceedings taken before any jury selected from such rolls is illegal or invalid shall not be given effect to by any judge or court before whom any such objection may be taken.

Other acts legalized.

2. Any other acts and proceedings of the said W. A. D. Lees with reference to other matters belonging to the duties of clerk of the peace during the vacancy of the office, shall be as valid for all purposes as if the said W. A. D. Lees had been clerk of the peace duly appointed and authorized as such.

CHAPTER 31.

An Act respecting certain duties of Coroners.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In any case in which the death of any person has been reported to a coroner, and he has in consequence of information received by him made the declaration required by section 4 of the *Act respecting Coroners*, if after viewing the body of such deceased person and having made such further enquiries as he deems necessary, he comes to the conclusion as a result of such further enquiries that an inquest is unnecessary, he shall have the right to issue a warrant to bury, in the same manner as he would have power to do in case an inquest had been actually held, and to withdraw the warrant for the holding of an inquest in case he has issued such warrant.

Warrant for burial where coroner deems inquest unnecessary after making declaration.

Rev. Stat., c. 80.

2. In every such case the coroner shall forthwith make and file with the county crown attorney a declaration in writing under oath (which oath may be administered by a justice of the peace, commissioner for taking affidavits in the High Court of Justice, or notary public) setting forth briefly the results of such enquiry and the grounds on which the warrant for burial has been issued.

Declaration to be made by coroner in such cases.

3. For such investigations and services as may be performed by any coroner under and by virtue of the two preceding sections of this Act, he shall be entitled to a fee of \$5 besides mileage in each case in which the county crown attorney shall certify that there were sufficient grounds to warrant such investigations being made, and such fee shall be in lieu of all the fees to which the coroner would be entitled in respect of any proceedings taken by him towards holding an inquest. In all other respects the said fee shall be paid in the same manner and upon the same conditions as the fees of coroners are now payable in cases in which inquests are held.

Fees of coroner.

4. It shall not be lawful for a coroner to conduct an inquest in any case where loss of life has been caused at or on railroads, mines or other works whereof he is owner or part owner, either as shareholder or otherwise, nor in any like case at or on works where he may be employed as medical attendant by the owner or owners thereof, or by any agreement or understanding direct or indirect with the employees at or on such works.

Coroners not to act when personally interested.

Prisoners
dying in gaols,
etc. ⁴
Rev. Stat., c.
80. ¹¹ M

5. Nothing in this Act contained shall apply to or affect the case of a prisoner dying in any penitentiary, gaol, prison, house of correction, lock-up house or house of industry, provided for by section 3 of the *Act respecting Coroners*, nor relieve any coroner from the performance of the duties imposed by the said section.

Act incorpo-
rated with
Rev. Stat. c.
80.

6. The *Act respecting Coroners* and this Act shall be read and construed as one Act.

CHAPTER 32.

An Act to facilitate the Administration of Justice in Rainy River.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Deputy Clerk for Rainy River of the District Court of the Provisional Judicial District of Thunder Bay shall be, *ex-officio*, local registrar of the High Court for the District of Rainy River, unless the Lieutenant-Governor shall think fit to make some other appointment, and in case some other appointment is made and a vacancy occurs, the said deputy clerk shall during such vacancy be *ex-officio* local registrar.

Deputy clerk
to be local
registrar.

2. No writ of *capias* issued by the said local registrar shall be executed outside of the District of Rainy River, and every writ of *capias* so issued shall be marked by the local registrar as follows: "Only to be executed within the District of Rainy River," but this shall not prevent a copy of such writ of *capias* being served at any place within Ontario.

Writs of
capias in
Rainy River.

3. In any action in the High Court in which the venue is local the writ shall be issued by the said local registrar, and Rat Portage shall be named as the place of trial in the same manner as if the said District of Rainy River were a separate county; and for the purposes of civil and criminal trials the said District of Rainy River and the remainder of the Provisional Judicial District of Thunder Bay shall be deemed separate counties.

Writs to be
issued and
place of trial
to be at Rat
Portage.

4.—(1) The stipendiary magistrate of Rainy River shall in all actions brought in the District of Rainy River have concurrent jurisdiction with and the same power and authority as the master in chambers in all proceedings now determined in chambers at Toronto, except that the authority of the stipendiary magistrate shall not extend to proceedings in the nature of a *quo*

Powers of
stipendiary
magistrate as
local master.

warranto

55 V., c. 42. *warranto* under *The Consolidated Municipal Act, 1892*, or to the payment of money out of court, or dispensing with payment of money into court, in any action or matter, or to appeals from the taxing officers in Toronto pending taxation, or to making an order for the sale of infants' estates.

(2) The Stipendiary Magistrate may refer any matter pending before him in chambers to a judge of the High Court for decision, and the judge may dispose of the same in whole or in part, or refer back the whole or a part.

Rev. Stat.,
c. 44.

(3) Subject to any rules of court made under *The Judicature Act*, the time allowed for appealing from any decision or order of the said stipendiary magistrate shall be double the time allowed by the rules then in force for appealing from the decision or order of the master in chambers in a like case.

CHAPTER 33.

An Act to erect Nipissing into a Provisional
Judicial District.*Assented to 5th May, 1894.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. From and after the day named for this Act taking effect, the territory now comprising the Temporary Judicial District of Nipissing is hereby formed into a provisional judicial district by the name of "The Provisional Judicial District of Nipissing" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*; and the enactments relating to provisional judicial districts formed by proclamation shall apply to the said district except where inconsistent with this Act.

Provisional
judicial dis-
trict formed.Rev. Stat., c
91.

2. There are hereby established for the said district a district court and a surrogate court. The district court is to be presided over by a judge to be appointed in accordance with the provisions of *The British North America Act, 1867*; the district judge shall be the judge of the surrogate court; and *The Act respecting the County Judges' Criminal Courts* shall extend to the said judge and district.

District court
and surrogate
court.Rev. Stat. c.
49.

3.—(1) The laws now in force, or which may be hereafter passed, with respect to county and surrogate courts and judges in counties and to the officers thereof, shall apply to the said surrogate court and to the judges and officers thereof.

Application of
existing laws
as to county
and surrogate
courts.

(2) The clerk of the district court shall be *ex officio* local registrar of the high court.

Local
registrar of
high court.

(3) In case after an appointment thereto is made the office of clerk of the district court becomes vacant, the clerk of the division court at the district town shall be *ex officio* clerk of the district court until another appointment is made. The said division court clerk may be appointed clerk of the district court, either in the first instance, or subsequently in case a vacancy occurs.

Vacancy in
office of clerk
of district
court.

(4) The said officers shall keep their offices, and, subject to sections 73 of *The Unorganized Territory Act*, the sittings of the district court shall be held, at such place as the Lieutenant-Governor in Council shall by proclamation name as the district town.

District town.

Rev. Stat., c.
91.

Appointments
under Act.

4. Any appointments to be made under this Act, and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Stipendiary
magistrates.

5.—(1) Each of the stipendiary magistrates having jurisdiction in the said territory or any part thereof, shall have the same powers, rights and duties in the said territory as at present, except that it shall not be part of his duty to hold division courts in the said district, but he may at the request of the district judge act for the judge in holding any court or performing any other function or duty of the judge, and while so acting shall have all the rights, powers and privileges of the judge.

(2) The present stipendiary magistrates having jurisdiction as aforesaid shall continue to hold office during the pleasure of the Lieutenant-Governor without any re-appointment, but in case of a vacancy occurring it shall not be requisite to fill the vacancy unless the Lieutenant-Governor deems an appointment necessary.

Vacancy in
office of
stipendiary
magistrate.

6. In case of there being no stipendiary magistrate having jurisdiction in Nipissing, or in case of the absence or illness of a stipendiary magistrate, all the duties and powers of that officer shall belong to and may be performed and exercised by the district judge.

Stipendiary
magistrates
to be justices
of the peace.

7. Each of the stipendiary magistrates having jurisdiction in the said territory or any part thereof shall be *ex officio* a justice of the peace for the provisional judicial district; and the provisions respecting county police magistrates, contained in the *Act respecting Police Magistrates*, shall apply to him.

Rev. Stat., c.
72.

Sittings of the
high court.

8.—(1) Sittings of the High Court, for the trial of civil and criminal cases, and for other purposes, shall be held once a year (or if the judges of the High Court deem it requisite, oftener) at the district town, on such days as may from time to time be appointed therefor by the judges of the High Court. If the judges of the High Court upon inquiry ascertain on any occasion that any sitting is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof.

Summoning
jurors.

(2) In case the sittings are to be held, the judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of grand and petit jurors.

9.—(1) The sheriff of Nipissing shall not be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Tender of mileage to sheriff before execution of process.

(2) Where the distance is less than ten miles such sheriff shall not be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the solicitor or party whose name is endorsed on such writ, paper, or proceeding or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper, or proceeding which such solicitor or party may desire to have served.

When mileage less than ten miles.

(3) No sheriff, deputy sheriff, or other officer shall sell or expose for sale under execution, any lands or tenements in the district of Nipissing, except during the months of July, August, September or October.

When lands may be sold under execution.

10. Sections 59, 60 and 64 of *The Unorganized Territory Act* are hereby amended by inserting the words "or Nipissing" after the words "Thunder Bay" so that sections 59, 60, 64 and 65 of the said Act shall hereafter extend to the district of Nipissing.

Rev. Stat., c. 91, ss. 59, 60 and 64 amended.

11. Any gaol or lock-up erected in the district of Nipissing under the authority of the Lieutenant-Governor, or any building so declared by order in council, shall be a common gaol of the district.

Gaols and lock-ups.

12. If at any time the Lieutenant-Governor in Council should see fit to take the opinion of the electors of the said District of Nipissing as to the most acceptable and convenient place to be named as the district town, he may, before naming a place, cause the votes of the electors to be taken in regard to the several places named by order in council, and the following proceedings may be taken:—

District town vote of electors as to place to be named.

1. The Lieutenant-Governor in Council may by proclamation fix the day and hour for taking the votes of the electors at such places in the said district as shall be deemed best for the purpose above mentioned.

Proclamation fixing time and place for vote.

2. The proclamation shall be posted up in some public place in the neighborhood of each place at which the votes are to be taken, and a copy thereof shall be published in such newspapers in the said district as the Lieutenant-Governor in Council may, in his discretion, direct.

Publication of proclamation.

Returning officer.

3. The Lieutenant-Governor in Council may name the returning officer for the purpose of taking the vote, and it shall be the duty of the returning officer to cause the proclamation to be posted in the manner above described with all reasonable speed after the receipt of the same, and at least fifteen days before the day for taking the votes. The returning officer shall name the deputy returning officers.

Procedure for taking vote.

55 V. c. 3.

4. All proceedings for the purpose of taking the vote shall be, as nearly as practicable, the same as the proceedings for the purpose of taking the votes at an election under *The Ontario Election Act, 1892*, in the said district.

Form of ballot paper.

5. The ballot papers shall be according to the form hereunder, or as nearly as the facts permit :—

Election for District Town.	Name of Place.	
No.— Counterfoil	Name of Place.	

Qualification of voters.

55 V. c. 3.

6. The qualification of voters shall be the same as that required in said district under the provisions of *The Ontario Election Act, 1892*, for the election of a person to serve in the Legislative Assembly.

Polling places.

7. There shall be at least one polling place in every municipality, and the returning officer shall establish as many other polling places as he may consider requisite.

Time for opening and closing poll.

8. On the day of polling the voting shall commence at nine o'clock in the forenoon and shall finish at five o'clock on the same day, and the votes shall be given by ballot.

Oaths.

55 V. c. 3.

9. The oaths to be taken by the returning officer and the deputy returning officers, clerks and voters shall be to the same effect as those required for an election under *The Ontario Election Act, 1892*, and the proceedings attendant upon the opening, conducting and closing of the poll shall be the same as those required under the said Act.

Declaring the result.

10. Within fifteen days after the day of voting the returning officer shall declare the result in writing, and forward the same to the Provincial Secretary.

Rev. stat., c. 91, s. 41 repealed, except as to writs of execution issued before Act takes

13.—(1) Section 41 of *The Unorganized Territory Act* is hereby repealed, except as to any writ of execution issued before this Act takes effect, and any writ which depends for its priority upon a former writ so issued.

(2) No unsatisfied writ in the hands of the sheriff of Renfrew on the day this Act takes effect shall bind lands or goods situate within the said district or have any effect upon lands or goods in the district after one year from the said time unless the person entitled to the benefit of the unsatisfied writ, before the expiration of the year and before the expiry of the writ in the hands of the sheriff of Renfrew, places a writ against lands or goods (as the case may require) in the hands of the sheriff of the district endorsed with a notice that priority is claimed by virtue of this Act, in which case he shall retain any priority he had at such time by virtue of his writ in the hands of the sheriff of Renfrew, and he shall if so required by the sheriff of Nipissing furnish to such sheriff a certificate of the sheriff of Renfrew shewing the time when such last mentioned sheriff received his writ, and the sheriff of Renfrew shall deliver such a certificate to the said person on being requested so to do.

Writs unsatisfied at time of commencement of Act.

(3) Any sheriff who under the said section or under section 40 of the said Act has prior to the day this Act takes effect actually seized goods and chattels in the said district under a writ directed to him may complete the execution of the said writ notwithstanding the repeal of said section 41.

Completing executions where seizure has been made.

(4) The sheriff of Renfrew may complete the execution of any writ of execution in his hands against lands in the said district, where he has advertised such lands under the execution, and he may execute any subsequent or supplementary writ which depends for its priority upon the writ in his hands as aforesaid, or upon a writ which was previously in his hands, and he may execute all necessary deeds or conveyances relating to the same.

Where lands have been advertised for sale.

14. Clause (c) of section 10 and clause (c) of sub-section 1 of section 11 and the whole of sections 17 and 42 of *The Unorganized Territory Act* are hereby repealed.

Rev. stat., c. 91, s. 10 clause (c), s. 11, sub-s. 1 clause (c) and ss. 17 and 42 repealed.

15. Sections 4 and 12 of this Act shall go into force forthwith; the remainder of this Act shall take effect on the first day of January next.

Commencement of Act.

CHAPTER 34.

An Act to make further provision respecting Mortgages of Real Estate.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgages
how affected
by subsequent
registered con-
veyances.

1. To remove doubts, every mortgage duly registered against the lands comprised therein is, and shall be deemed as against the mortgagor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, to be a security upon such lands to the extent of the moneys or money's worth actually advanced or supplied to the mortgagor under the said mortgage (not exceeding the amount for which such mortgage is expressed to be a security), notwithstanding that the said moneys or money's worth, or some part thereof, were advanced or supplied after the registration of any conveyance, mortgage, or other instrument affecting the said mortgaged lands, executed by the mortgagor or his heirs, executors or administrators, and registered subsequently to such first-mentioned mortgage, unless before advancing or supplying such moneys or money's worth the mortgagee in such first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument; and the registration of such conveyance, mortgage or other instrument after the registration of such first-mentioned mortgage, shall not constitute actual notice to such mortgagee of such conveyance, mortgage or other instrument.

Pending
actions, and
advances
made prior to
Act.

2. This Act shall not apply to any pending action, and shall not affect any question of priority in respect of advances made by a mortgagee before the passing of this Act.

CHAPTER 35.

An Act to amend The Registry Act, 1893.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. The mortgagee named in any mortgage, hereafter executed, or the solicitor or agent of such mortgagee, may endorse thereon the words "Not to be registered in full," and in such case the registrar shall register the mortgage in the manner provided by *The Registry Act, 1893*, in the case of mortgages affecting lands, except that such mortgage shall not be copied into the books kept for that purpose in the registry office.

Mortgages not registered in full,

56 V. c. 21.

(2) Upon registration in the manner provided by sub-section 1 of this section, the fee payable for registration of any mortgage, not including more than four distinct parcels of land, having a separate heading in the abstract index, shall be \$1, and for each additional lot or part of lot thereafter requiring entry to be made under a separate heading in the abstract index, 5 cents.

Fee on registration.

(3) After the registration of any mortgage in the manner hereinbefore provided, the registrar, upon the application of any person claiming to be interested in the mortgaged lands, and upon payment of the fees prescribed by *The Registry Act, 1893*, less the amount already paid for registration under this Act, shall cause such mortgage to be copied out in full in the book kept for that purpose in the registry office.

Subsequent registry in full.

56 V. c. 21.

(4) It shall be the duty of the registrar to indicate in the abstract index, in the case of the registration of every mortgage hereafter, whether the same has or has not been registered in full, by marking opposite the same in the said abstract index the words "registered in full," or "not registered in full," as the case may be.

Note in abstract index to manner of registration.

2.—(1) A notice of sale of lands under the provisions of the *Act respecting Mortgages of Real Estate*, and every notice of exercising the power of sale contained in any mortgage may be registered in the registry office of the registry division in which the lands are situated, in the same manner as any other instrument affecting the land, except that it shall not be necessary to copy the notice or affidavits or declarations attached

Registration of notice of sale.

R. v. Stat. c. 102.

attached thereto in any of the registers, and such registration shall have the same effect, and the duties of the registrar in respect of the same shall be as in the case of any other registered instrument except as to the copying thereof, and the fee to be paid such registrar for registering the same shall be fifty cents.

Proof for
registration.

(2) The affidavit or declaration for the purpose of registering the notice shall be made by the person who served the same, and shall prove the time, place and manner of such service, and that the copy delivered to the registrar is a true copy of the notice served.

Evidence of
registration.

(3) A copy of such registered notice and affidavit or declaration certified under the hand and seal of office of the registrar shall in all cases be received as *prima facie* evidence of the facts therein stated.

56 V. c. 21
s. 96 sub.-s. 3
amended.

3. Sub-section 3 of section 96 of *The Registry Act, 1893*, is amended by adding at the end thereof the words following:—
“except in cases where an instrument has been duly executed and any party thereto has died prior to the registration thereof, or in cases where it would, in the opinion of the registrar, be inconvenient or impossible to obtain a new instrument containing the proper description, in which case such instrument may be registered if accompanied by an affidavit annexed thereto or endorsed thereon to the following effect:—

Death of party
executing in-
strument be-
fore it is
registered.

County of

I (give name, address and occupation.)

To Wit :

make oath and say.

1. To the best of my knowledge and belief, the lands described in the within (or annexed) instrument and duplicate are designated on Registered Plan No. as lots (describe same so as to conform to plan).

2. That a party to said instrument died on or about the day of A.D.

[or (as the case may be) that it would be inconvenient (or impossible) to obtain a new instrument or a re-execution of the said instrument containing a description conforming to the said plan.]

3. That I have a personal knowledge of the matters herein deposed to.
Sworn etc.

and the Registrar on receiving such instrument, shall enter the same under the lots designated in the affidavit in the abstract index in which the sub-division is entered, and no entry shall be made under the lot or lots prior to the sub-division.”

56 V. c. 21
s. 35 amended.

4. Section 35 of the said Act, is amended by striking out the figures “25” in the 5th line thereof and substituting therefor “29.”

5. The said Act is amended by adding thereto the following ^{56 V. c. 21} as section 132 :--
amended.

132. *The Registry Act*, chapter 114 of the Revised Statutes of Ontario, 1887, and the subsequent Acts amending the same and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. ^{Repeal of former enactments.}

CHAPTER 36.

An Act to amend the Act for protecting the public interests in Rivers, Streams and Creeks.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat., c.
amended.

1. Section 6 of *The Act for protecting the public interests in Rivers, Streams and Creeks* is amended by inserting therein, before the first word of said section, the following words:—
“Section 4 of.”

Rev. Stat c.
120, s. 13,
amended.

2. Section 13 of the said Act is amended by adding immediately after the word “county,” in the first line thereof, the words “or the judge,” and by inserting after the word “amounts” in the seventh line thereof the words “except where the tolls are fixed by the charter of incorporation of the government of Canada, or by any Act of the Parliament of Canada, or of the Legislature of this Province.”

CHAPTER 37.

An Act respecting Mortgages and Sales of Personal Property.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Bills of Sale and Chattel Mortgage Act, 1894*, and shall not take effect till from and after the 1st day of January, 1895.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

2. Every mortgage, or conveyance intended to operate as a mortgage of goods and chattels, in Ontario, which is not accompanied by an immediate delivery, and an actual and continued change of possession of the things mortgaged, or a true copy thereof, shall, within five days from the execution thereof be registered as hereinafter provided, together with the affidavit of an attesting witness thereto, of the due execution of such mortgage or conveyance, or of the due execution of the mortgage or conveyance of which the copy filed purports to be a copy which affidavit shall also contain the date of the execution of the mortgage and also with the affidavit of the mortgagee or of one of several mortgagees, or of the agent of the mortgagee or mortgagees, if such agent is aware of all the circumstances connected therewith and is properly authorized in writing to take such mortgage, in which case the affidavit of the agent shall state that he is aware of all the circumstances connected therewith, and a copy of such authority or the authority itself shall be registered therewith. R.S.O. 1887, c. 125, s. 1.

Mortgages of goods not attended with change of possession, to be registered.

3. Such last mentioned affidavit, whether of the mortgagee or his agent, or of one of several mortgagees or the agent of the mortgagee or mortgagees shall state in addition to what is required by section 2 of this Act that the mortgagor therein named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage, that the mortgage was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor, or of preventing the creditors of such mortgagor from obtaining payment of any claim against him. R.S.O. 1887, c. 125, s. 2.

Contents of affidavit.

When mortgage to take effect.

4. Every such mortgage or conveyance shall operate and take effect upon, from and after the day and time of the execution thereof. R.S.O. 1887, c. 125, s. 3.

Effect of non-registration.

5. In case such mortgage or conveyance and affidavits are not registered as by this Act provided, the mortgage or conveyance shall be absolutely null and void as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith for valuable consideration. R.S.O. 1887, c. 125, s. 4.

Sales of goods not attended with delivery to be registered.

6. Every sale of goods and chattels, not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under the provisions of this Act, and shall be accompanied by an affidavit of an attesting witness thereto of the due execution thereof, and an affidavit of the bargainee, or his agent (if such agent is aware of all the circumstances connected therewith) duly authorized in writing to take the conveyance (a copy of which authority or the authority itself shall be attached to and filed with the conveyance) that the sale is *bona fide* and for good consideration, as set forth in the said conveyance, and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors of the bargainor, and the conveyance and affidavits shall be registered, as by this Act provided, within five days from the executing thereof, otherwise the sale shall be absolutely void as against the creditors of the bargainor and as against subsequent purchasers or mortgagees in good faith. R.S.O. 1887, c. 125, s. 5.

Mortgages to secure future advances to be registered.

7. In case of an agreement in writing for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances, the time of repayment thereof not being longer than one year from the making of the agreement, and in case of a mortgage of goods and chattels for securing the mortgagee repayment of such advances, the time of repayment thereof not being longer than one year from the making of the agreement, and in case the mortgage is executed in good faith, and sets forth fully by recital or otherwise, the terms, nature and effect of the agreement, and in case the mortgage is accompanied by the affidavit of an attesting witness thereto of the due execution thereof, and by the affidavit of the mortgagee, or in case the agreement has been entered into and the mortgage taken by an agent duly authorized in writing to make such agreement and to take such mortgage and if the agent is aware of the circumstances connected therewith, then, if accompanied by the affidavit of such agent, such affidavit, whether of the mortgagee or his agent, stating that the mortgage truly sets forth the agreement entered into between the parties thereto and truly states the extent of the liability intended to be created by the agreement and covered by such mortgage,

mortgage, and that the mortgage is executed in good faith, and for the express purpose of securing the mortgagee repayment of his advances, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor, nor to prevent such creditors from recovering any claims which they may have against the mortgagor, and in case the mortgage is registered as by this Act provided, the same shall be as valid and binding as mortgages mentioned in the preceding sections of this Act. R.S.O. 1887, c. 125, s. 6, *Part.*

8. In case of a mortgage of goods and chattels for securing the mortgagee against the endorsement of any bills or promissory notes or any other liability by him incurred for the mortgagor, not extending for a longer period than one year from the date of such mortgage, and in case the mortgage is executed in good faith, and sets forth fully by recital or otherwise, the terms, nature and effect of the agreement, and the amount of liability intended to be created, and in case such mortgage is accompanied by the affidavit of an attesting witness thereto of the due execution thereof, and by the affidavit of the mortgagee, or in case the mortgage has been taken by an agent duly authorized in writing to take such mortgage and if the agent is aware of the circumstances connected therewith, then, if accompanied by the affidavit of such agent, such affidavit, whether of the mortgagee or his agent, stating that the mortgage truly states the extent of the liability intended to be created and covered by such mortgage, and that such mortgage is executed in good faith and for the express purpose of securing the mortgagee against the payment of the amount of his liability for the mortgagor, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor, nor to prevent such creditors from recovering any claims which they may have against such mortgagor, and in case such mortgage is registered as by this Act provided, the same shall be as valid and binding as mortgages mentioned in the preceding sections of this Act. R.S.O. 1887, c. 125, s. 6 *part.*

Mortgages given to secure endorsers and sureties to be registered.

9. The authority in writing referred to in the two next preceding sections, or a copy of such authority shall be attached to and filed with the mortgage.

Agents' authority to be attached to mortgage.

10. The affidavit of *bona fides* required by sections 7 and 8 may be made by one of two or more bargainees or mortgagees and if made by an agent as herein provided the same shall state that he is aware of all the circumstances connected with the sale or mortgage, as the case may be. R.S.O. 1887, c. 125, s. 7.

Affidavit of *bona fides*.

PLACE OF REGISTRATION.

11. The instruments mentioned in the preceding sections shall be registered in the office of the clerk of the county court

Instruments to be registered in the county court.

court of the county or union of counties where the property so mortgaged or sold is at the time of the execution of such instrument; and such clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices. R.S.O. 1887, c. 125, s. 8.

Manner of
registration.

12. The said clerks respectively shall number every such instrument or copy filed in their offices, and shall enter in alphabetical order in books to be provided by them, the names of all the parties to such instruments, with the numbers endorsed thereon opposite to each name, and such entry shall be repeated alphabetically under the name of every party thereto. R.S.O. 1887, c. 125, s. 9.

Procedure
when mort-
gaged goods
are removed.

13. In the event of the permanent removal of goods and chattels mortgaged as aforesaid from the county or union of counties or provisional judicial district, temporary judicial district or territorial district in which the goods and chattels were at the time of the execution of the mortgage, to another county or union of counties or provisional judicial district, temporary judicial district or territorial district before the payment and discharge of the mortgage, a certified copy of the mortgage, under the hand of the clerk of the county court in whose office it was first registered, and under the seal of the court, and of the affidavits and documents and instruments relating thereto filed in such office, shall be filed with the clerk of the county court of the county or union of counties to which the goods and chattels are removed, within two months from such removal, otherwise the said goods and chattels shall be liable to seizure and sale under execution, and in such case the mortgage shall be null and void as against creditors of the mortgagor and against subsequent purchasers and mortgagees in good faith for valuable consideration, as if never executed. R.S.O. c. 125, s. 10.

RENEWAL OF MORTGAGES.

Statement of
amount due to
be filed yearly.

14. Every mortgage, or copy thereof, filed in pursuance of this Act, shall cease to be valid, as against the creditors of the persons making the same and against subsequent purchasers and mortgagees in good faith for valuable consideration, after the expiration of one year from the day of the filing thereof, unless, within thirty days next preceding the expiration of the said term of one year, a statement exhibiting the interest of the mortgagee, his executors, administrators or other assigns in the property claimed by virtue thereof, and shewing the amount still due for principal and interest thereon, and shewing all payments made on account thereof, is filed in the office of the clerk of the county court of the county, or union of counties, wherein the goods and chattels are then situate, with an affidavit of the mortgagee, or one of several mortgagees, or
of

of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees (as the case may be,) duly authorized in writing, for that purpose, (a copy of which authority or the authority itself shall be filed therewith,) that the statement is true, and that the mortgage has not been kept on foot for any fraudulent purpose. R.S. O. 1887, c. 125, s. 11.

15. The statement and affidavit mentioned in the next preceding section may be in the form given in the schedule B to this Act, or to the like effect. Provided that if any *bona fide* error or mistake shall be made in the said statement, either by the omission to give any credit or credits or by any miscalculation in the computation of interest or otherwise, the said statement and the mortgage therein referred to shall not be invalidated, provided that the mortgagee, his executors, administrators or other assigns shall, within two weeks after the discovery of any such error or mistake, file an amended statement and affidavit in the form given in Schedule B or to the like effect, referring to the former statement and clearly pointing out the error or mistake therein and correcting the same; but, if prior to the filing of such amended statement and affidavit, any creditor or purchaser or mortgagee in good faith for valuable consideration shall have made any *bona fide* advance of money or given any valuable consideration to the mortgagor, or shall have incurred any costs in proceedings taken on the faith of the amount due on any mortgage being as stated in the renewal statement and affidavit filed, then the said mortgage as to the amount so advanced or the valuable consideration given or costs incurred as aforesaid by such creditor, purchaser or mortgagee, shall, as against such creditor, purchaser or mortgagee stand good only for the amount mentioned in the renewal statement and affidavit first filed. R.S.O., 1887, c. 125, s. 12.

Form of statement and affidavit.

16. The statement and affidavit shall be deemed one instrument, and be filed and entered in like manner as the instruments in this Act mentioned are, by section 12, required to be filed and entered, and the like fees shall be payable for filing and entering the same as are now payable for filing and entering such instruments. R.S.O., 1887, c. 125, s. 13.

Manner of filing and entering affidavit and statement
Fees

17. Another statement in accordance with the provisions of section 14 of this Act, duly verified as required by that section, shall be filed in the office of the clerk of the county court of the county wherein the goods and chattels described in the mortgage are then situate, within thirty days next preceding the expiration of the term of one year from the day of the filing of the statement required by the said section 14, or such mortgage, or copy thereof, shall cease to be valid as against the creditors of the persons making the same, and as against purchasers and mortgagees in good faith for valuable consideration,

Statement of subsequent renewals to be filed.

ation, and so on from year to year, that is to say, another statement as aforesaid, duly verified, shall be filed within thirty days next preceding the expiration of one year from the day of the filing of the former statement, or such mortgage, or copy thereof, shall cease to be valid as aforesaid. R.S.O., c. 125, s. 14.

Affidavits on renewals.

18. The affidavit required by section 14 may be made by any next of kin, executor or administrator of any deceased mortgagee, or by any assignee claiming by or through any mortgagee, or any next of kin, executor or administrator of any such assignee; but if the affidavit is made by any assignee, next of kin, executor or administrator of any such assignee, the assignment, or the several assignments through which the assignee claims shall be filed in the proper office of the county in which the goods are, at or before the time of such re-filing by the assignee, next of kin, executor or administrator of the assignee. But an assignment for creditors under chapter 124 of the Revised Statutes of Ontario, 1887, or any other Act of the Province of Ontario or the Dominion of Canada, relating to assignments for the benefit of creditors or to insolvency or bankruptcy, need not be filed as aforesaid, provided such assignment be referred to in such statement and notice thereof (when required) shall have been given in manner required by law. R.S.O., c. 125, s. 15.

MORTGAGES TO SECURE BONDS, ETC., OF CORPORATIONS.

Affidavits, of bona fides where mortgage given by company to secure bonds or debentures.

19.—(1) In the case of a mortgage or conveyance of goods and chattels of any company incorporated by or under any Imperial Act or charter, or by or under any Act or charter of the Dominion of Canada, or by or under any Act or charter of the Province of Ontario, made to a bondholder or bondholders or to a trustee or trustees, for the purpose of securing the bonds or debentures of such company, instead of the affidavit of *bona fides* required by the first and second sections of this Act, it shall be sufficient for the purposes of this Act if an affidavit be filed as thereby required made by the mortgagee or one of the mortgagees to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them. 53 V., c. 35, s. 1 (1).

Time for filing mortgage where head office of company not in Ontario.

(2) In the case of any such conveyance or mortgage made by an incorporated company, the head office whereof is not within the Province of Ontario, such mortgage or conveyance may be filed within thirty days instead of five days, as provided in section 2 of this Act, and the same shall be of the like force, effect and priority, as if the same had been filed within such five days. 53 V., c. 35, s. 1 (2).

(3) Any such mortgage may be renewed in the manner and with the effect provided by the 14th and following sections of this Act upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing all payments on account thereof which, to the best of the information and belief of the person making such statement, have been made, or of which he is aware or has been informed, together with an affidavit of the person making such statement, that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose, and such statement shall be filed instead of the statement required by the said 14th section of this Act. 53 V. c. 35, s. 1 (3.)

Renewal of mortgages.

(4) If any mortgage as aforesaid be made to an incorporated company, the several affidavits and statements herein mentioned may be made by the president, vice-president, manager or assistant manager of such mortgagee company, or any other officer of the company authorized for such purpose. 53 V. c. 35, s. 1 (4).

Affidavits and statements on behalf of companies.

PROOF OF REGISTRATION.

20. A copy of any original instrument or of a copy thereof, so filed as aforesaid, including any statement made in pursuance of this Act, certified by the clerk in whose office the same has been filed under the seal of the court, shall be received in evidence in all courts, but only of the fact that the instruments or copy and statement were received and filed according to the endorsement of the clerk thereon, and of no other fact; and in all cases the original endorsement by the clerk made in pursuance of this Act, upon any such instrument or copy, shall be received in evidence only of the fact stated in the endorsement. R.S.O. 1887, c. 125, s. 16.

The clerk's certificate to be evidence of registration.

DISCHARGE OF MORTGAGES.

21. Where any mortgage of goods and chattles is registered under the provisions of this Act, such mortgage may be discharged by the filing, in the office in which the same is registered, of a certificate, signed by the mortgagee, his executors or administrators, in the form given in the Schedule A hereto, or to the like effect. R.S.O. 1887, c. 125, s. 17.

Certificates of discharge of chattel mortgages.

22. The officer with whom the chattel mortgage is filed, upon receiving such certificate, duly proved by the affidavit of a subscribing witness, shall, at each place where the number of the mortgage has been entered, with the name of any of the parties thereto, in the book kept under section 12 of this Act, or wherever otherwise in the said book the said mortgage has been

Entering certificates of discharge.

been entered, write the words, "Discharged by certificate number (*stating the number of the certificate*)," and to the said entry the officer shall affix his name, and he shall also endorse the fact of the discharge upon the instrument discharged, and shall affix his name to the endorsement. R.S.O. 1887, c. 125, s. 18.

Entries of renewal.

23. Where a mortgage has been renewed under section 14 of this Act, the endorsement or entries required by the preceding section to be made, need only be made upon the statement and affidavit filed on the last renewal, and at the entries of the statement and affidavit in the said book. R.S.O. 1887, c. 125, s. 19.

Entry of assignment of mortgages.

24. In case a registered chattel mortgage has been assigned the assignment shall, upon proof by the affidavit of a subscribing witness, be numbered and entered in the alphabetical chattel mortgage book, in the same manner as a chattel mortgage, and the proceedings authorized by the next preceding three sections of this Act, may and shall be had, upon a certificate of the assignee, proved in manner aforesaid. R.S.O. 1887, c. 125, s. 20.

MORTGAGES AND SALES OF CHATTELS IN UNORGANIZED DISTRICTS.

Registration of chattel mortgages in Provisional Judicial Districts.

25. Where the goods and chattels mortgaged or sold are within a Provisional Judicial District, the provisions of this Act shall apply to such instrument with the substitution of "the clerk of the district court" for "the clerk of the county court," and with the substitution of "ten days" for "five days" as the time within which the instrument or a copy thereof shall be registered; but this section shall not apply to any portion of a Territorial District which forms part of a Provisional Judicial District. R.S.O. 1887, c. 125, s. 21.

In Territorial Districts.

26. Where the goods and chattels mortgaged or sold are within a Territorial District, the provisions of this Act shall apply to such instrument, with the substitution of "the clerk of the first division court of the district" for the "clerk of the county court," and with the substitution of "ten days" for "five days" as the time within which the instrument or a copy thereof shall be registered. R.S.O. 1887, c. 125, s. 22.

In Temporary Judicial District of Nipissing.

27. Where the goods and chattels mortgaged or sold are within the Temporary Judicial District of Nipissing the provisions of this Act shall apply to such instrument, with the substitution of "the clerk of the third division court for the Temporary Judicial District of Nipissing" for "the clerk of the county court," and with the substitution of "ten days" for "five days" as the time within which the instrument or a
copy

copy thereof shall be registered. This section shall not continue in force after the District of Nipissing has been created a Provisional Judicial District and a clerk of the district court has been appointed. R.S.O. 1887, c. 125, s. 26; 51 V. c. 18, s. 1.

28.—(1) Where the goods and chattels mortgaged or sold are within the Temporary Judicial District of Manitoulin the provisions of this Act shall apply to such instrument, with the substitution of “the Deputy Clerk for Manitoulin” for “the clerk of the county court,” and with the substitution of “ten days” for “five days” as the time within which the instrument or a copy thereof shall be registered. 54 V. c. 21, s. 1.

In Temporary
Judicial Dis-
trict of Mani-
toulin.

(2) Any bill of sale or chattel mortgage filed with the said Deputy Clerk prior to the 4th day of May, 1891, shall be as valid as if the same had been filed with the clerk of the county court under this Act. 54 V. c. 21, s. 2.

Instruments
filed with De-
puty Clerk
prior to 4th
May, 1891.

(3) Nothing in this section contained shall be construed to affect any action or other proceeding pending on the 4th day of May, 1891, in which the validity of any instrument required to be filed under chapter 125 of the Revised Statutes of Ontario, 1887, and amending Acts is called in question by reason of the place of filing such instrument. 54 V. c. 21 s. 3

Proceedings
pending on
4th May, 1891
not affected.

FEES.

29. For services under this Act the clerks aforesaid shall be entitled to receive the following fees: Fees.

- (1)—For filing each instrument and affidavit, and for entering the same in a book as aforesaid, fifty cents. R.S.O. 1887, c. 125, s. 24, sub. 1.
- (2)—For filing assignment of each instrument, and for making all proper endorsements in connection therewith, twenty-five cents. R.S.O. 1887, c. 125, s. 24, sub. 2.
- (3)—For filing certificate of discharge of each instrument, and for making all proper entries and endorsements connected therewith, twenty-five cents. R.S.O. 1887, c. 125, s. 24, sub. 3.
- (4)—For a general search, twenty-five cents. (*See R.S.O. 1887, c. 44, s. 162.*)
- (5)—For production and inspection of each instrument filed under this Act, ten cents. R.S.O. 1887, c. 125, s. 24, sub. 4. (*See R.S.O. 1887, c. 44, s. 162.*)
- (6)—For copies of any document with certificate prepared, filed under this Act, ten cents for every hundred words. R. S O. 1887, c. 125, s. 24, sub. 5.
- (7)—For extracts, whether made by the person who made the search, or by the officer, ten cents for every hundred words. (*See R.S.O., 1887, c. 44, s. 162.*)

MISCELLANEOUS PROVISIONS.

Registration where time limited expires on a day on which offices are closed.

30. Where, under any of the provisions of this Act, the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit, or other paper expires on a Sunday or other day on which the office in which the registering or filing is to be made or done is closed, and by reason thereof the filing or registering cannot be made or done on that day, the registering or filing shall, so far as regards the time of doing or making the same, be held to be duly done or made if done or made on the day on which the office shall next be open. R.S.O. 1887, c. 125, s. 25.

General authority to take or renew mortgages.

31. An authority for the purpose of taking or renewing a mortgage or conveyance under the provisions of this Act may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee. R.S.O. 1887, c. 125, s. 26.

Manner of describing property in mortgages, etc.

32. All the instruments mentioned in this Act, whether for the sale or mortgage of goods and chattels, shall contain such sufficient and full description thereof that the same may be thereby readily and easily known and distinguished. R.S.O. 1887, c. 125, s. 27.

Who to administer the affidavits.

33. All affidavits and affirmations required by this Act shall be taken and administered by any judge, notary public, or commissioner or other person in or out of the Province authorized to take affidavits in and for the High Court or by a justice of the peace; and the sum of twenty cents shall be paid for every oath thus administered. R.S.O. 1887, c. 125, s. 28.

Act not to apply to mortgages of vessels registered.

34. This Act shall not apply to mortgages of vessels registered under the provisions of any Act in that behalf. R.S.O. 1887, c. 125, s. 29.

Mortgages where new county is constituted.

35. All chattel mortgages relating to property within any township, city, town, or incorporated village forming part of a new county, at the date the proclamation forming the new county takes effect, shall, until their renewal becomes necessary to maintain their force against creditors, subsequent purchasers or mortgagees in good faith, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the county court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal. 55 V. c. 42, s. 49, (6).

36. Every person shall have access to and be entitled to inspect the several books of the county courts, containing records or entries of the chattel mortgages and bills of sale filed; and no person desiring such access or inspection shall be required, as a condition to his right thereto, to furnish the names of the parties in respect of whom such access or inspection is sought; and all clerks of the county courts of the Province respectively, shall, upon demand or request, produce for inspection any chattel mortgage, or bill of sale filed in their respective offices, or of which records or entries are, by law, required to be kept in such several books of the county courts.

Inspection of books in county court office.

37. The provisions of this Act shall extend to mortgages and sales of goods and chattels, notwithstanding that such goods and chattels may not be the property of, or may not be in the possession, custody or control of the mortgagor or bargainor or any one on his behalf at the time of the making of such mortgage or sale, and notwithstanding that such goods or chattels may be intended to be delivered at some future time, or that the same may not at the time of the making of said mortgage or sale be actually procured or provided, or fit or ready for delivery, and notwithstanding that some act may be required for the making or completing of such goods and chattels, or rendering the same fit for delivery. 55 V. c. 26, s. 1.

Mortgage etc., of goods not in possession of mortgagor.

38. In the application of this Act the words "void as against creditors" where they occur, shall extend to simple contract creditors of the mortgagor or bargainor suing on behalf of themselves and other creditors, and to any assignee in insolvency of the mortgagor, and to an assignee for the general benefit of creditors, within the meaning of *The Act respecting Assignments and Preferences by Insolvent Persons* and amendments thereto, as well as to creditors having executions against the goods and chattels of the mortgagor or bargainor in the hands of the sheriff or other officer. 55 V. c. 26, s. 2.

"Void as against creditors," meaning of.

Rev. Stat. c. 124.

39. The "actual and continued change of possession" mentioned in this Act, shall be taken to be such change of possession as is open, and reasonably sufficient to afford public notice thereof. 55 V. c. 26, s. 3.

Interpretation of "actual and continued change of possession."

40. A mortgage or sale declared by this Act to be void as against creditors and subsequent purchasers or mortgagees shall not by the subsequent taking of possession of the things mortgaged or sold by or on behalf of the mortgagee or bargainor be thereby made valid as against persons who become creditors, or purchasers, or mortgagees before such taking of possession. 55 V. c. 26, s. 4.

Subsequent possession not to validate sale otherwise void.

Agreement on sale that property is not to pass until payment.

41.—(1) In case of an agreement for the sale or transfer of merchandise of any kind to a trader or other person for the purpose of resale by him in the course of business, the possession to pass to such trader or other person, but not the absolute ownership until certain payments are made or other considerations satisfied, any such provision as to ownership shall as against creditors, mortgagees or purchasers be void, and the sale or transfer shall be deemed to have been absolute, unless

(a) the agreement is in writing, signed by the parties to the agreement or their agents, and

(b) unless such writing is filed in the office of the county court clerk of the county or union of counties in which the goods are situate at the time of making the agreement, such filing to be within five days of the delivery or possession of any of the goods under the agreement.

(2) Such an agreement, though signed and filed, shall not affect purchases from the trader or person aforesaid in the usual course of his business.

(3) Where there is no county organization, and therefore no county court clerk, the agreement is to be filed in the office of the clerk of the peace, if any, and if there is no clerk of the peace, in the office of the registrar of deeds for the locality 55 V. c. 26, s. 5.

Act not to affect sales of certain marked goods.

(4) The provisions of this and the four next preceding sections of this Act are not intended to affect and are not to be construed as affecting, the case of manufactured goods and chattels which at the time possession is given have the name and address of the manufacturer, bailor or vendor of the same painted, printed, stamped or engraved thereon or otherwise plainly attached thereto, nor any goods or chattels where the receipt-note, hire receipt, order or other instrument is filed and for which cases respectively provision is made by the *Act respecting Conditional Sales of Chattels*. 55 V. c. 26, s. 6.

51 V. c. 19.

Acts repealed

42. The several Acts mentioned and intituled as in Schedule C to this Act are repealed.

SCHEDULE A.

(Section 21.)

FORM OF DISCHARGE OF MORTGAGE.

To the Clerk of the Court of the of

I, *A. B.*, of do certify that
 has satisfied all money due on, or to grow due on a certain
 chattel mortgage made by to , which
 mortgage bears date the day of , A.D.,
 , and was registered (*or in case the mortgage has been
 renewed was re-registered*), in the office of the Clerk of the
 Court of the of , on the , day of
 A.D. , as No. (*here mention the day and date of
 registration of each assignment thereof, and the names of the
 parties, or mention that such mortgage has not been assigned,
 as the fact may be*); and that I am the person entitled by law
 to receive the money, and that such mortgage is therefore
 discharged.

Witness my hand, this day of A.D.

*One witness stating residence }
 and occupation. }* A. B.

R.S.O. 1887, c. 125, Sched. A.

SCHEDULE B.

(Section 15.)

Statement exhibiting the interest of *C. D.* in the property
 mentioned in a Chattel Mortgage dated the day of
 18 , made between *A. B.*, of of the one part, and *C. D.*,
 of , of the other part, and filed in the office of the
 Clerk of the Court of the of , on the
 day of , 18 , and of the amount due for principal and
 interest thereon, and of all payments made on account thereof.

The said *C. D.*, is still the mortgagee of the said property,
 and has not assigned the said mortgage (*or the said E. F. is
 the assignee of the said Mortgage by virtue of an assignment
 thereof from the said C. D. to him, dated the day of
 , 18 ,*) (*or as the case may be*).

No

No payments have been made on account of the said Mortgage (or the following payments, and no other, have been made on account of the said Mortgage :

1886, January 1, Cash received.....\$100 00)

The amount still due for principal and interest on the said Mortgage is the sum of \$ computed as follow : (*here give the computation.*)

C. D.

County of } I, of the
 To wit , } of in the County
 of the Mortgagee named in the Chattel Mortgage
 mentioned in the foregoing (*or annexed*) statement (*or assignee*
 of the mortgagee named in the Chattel Mortgage mentioned in
 the foregoing [*or annexed*] statement (*as the case may be*),
 make oath and say :

1. That the foregoing (*or annexed*) statement is true.

2. That the Chattel Mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at the)
 of in the)
 County of , this)
 day of 18 .)

R.S.O., 1887, c. 125, Schedule B.

SCHEDULE C.

(*Section 42.*)

ACTS REPEALED.

R.S.O., 1887, c. 125. "An Act respecting Mortgages and Sales of Personal Property."

51 Vict., c. 18. "An Act respecting Mortgages or Sales of Chattels in Nipissing."

53 Vict., c. 35. "An Act to amend the Act respecting Mortgages and Sales of Personal Property."

54 Vict., c. 21. "An Act respecting Mortgages and Sales of Personal Property in Manitoulin."

55 Vict., c. 26. "An Act to further amend the Law respecting Sales and Mortgages of Personal Property."

CHAPTER

CHAPTER 38.

An Act to extend the operation of The Woodman's
Lien for Wages Act.*Assented to 5th May, 1894.*

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 1 of *The Woodman's Lien for Wages Act* is re- 54 V. c. 22,
pealed, and the following substituted therefor :— s. 1 repealed.

1.—(1) This Act may be cited as *The Woodman's Lien for* Short title.
Wages Act.

(2) This Act shall apply to the districts of Algoma, Thunder Application of
Bay, Rainy River, Muskoka and Parry Sound. Act.

(3) As soon as a provisional judicial district is formed under When Act to
any Act of this Legislature, which shall include the present apply to dis-
temporary judicial district of Nipissing, and a district court is trict of Nipis-
constituted for the said provisional judicial district, the sing.
provisions of this Act shall apply to and be in force in the district
of Nipissing, in the same manner as to, and in the districts
named in sub-section 2 of this section.

2. Section 3 of the said *Woodman's Lien for Wages Act* is 54 V. c. 22,
amended by striking out the words "and Rainy River" in the s. 3, amended.
third line, and inserting in lieu thereof the words "Rainy River,
Muskoka and Parry Sound."

3. Section 4 of the said Act is amended by adding thereto 54 V. c. 22,
the following sub-section : s. 4, amended.

(3) Where the right to take proceedings under this Act to Filing claim,
enforce any lien, arises in the district of Muskoka, the state- etc., when
ment of claim may be filed in the office of the deputy clerk of right to en-
the district court at Bracebridge, and the expression "clerk of force lien
the court," "clerk of the district court" or "clerk" in this Act arises in Mus-
shall be deemed to include the deputy clerk of the district koka.
court at Bracebridge.

CHAPTER 39.

An Act to amend the Law respecting Contracts in relation to Goods entrusted to Agents.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 128, s. 5,
repealed.

1. Section 5 of the *Act respecting Contracts in relation to Goods entrusted to Agents* is amended by adding the following thereto as sub-section 2.

(2) The consideration necessary for the validity of a purchase under this section may be either a payment in cash or the delivery or transfer of other goods, or in part cash and in part the delivery or transfer of other goods.

CHAPTER 40.

An Act to make further provision respecting the
Solemnization of Marriages.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario
enacts as follows :

1. The following sub-sections are substituted for sub-sections 2 and 3 of section 11 of the *Act respecting the Solemnization of Marriages* : Rev. Stat.
c. 131, s. 11,
sub-ss. 2 and 3
repealed.

(2)—(a) The affidavit shall state the age of the deponent, and shall state that the other contracting party is of the full age of 18 years, or shall state the age of such other contracting party if under the age of 21 years, as the case may be. Contents of
affidavit of
applicant for
license.

(b) The affidavit shall state the condition in life of the parties, whether bachelor, widower, spinster, or widow, according to the fact.

(c) Where a party (not being a widower or widow) is under the age of 18 years, a written consent of the person whose consent to the marriage is required shall be produced and annexed to the affidavit, and shall be verified thereby.

(3) The affidavit shall state the facts necessary to enable the issuer or deputy issuer to judge whether or not the required consent has been duly given in the case of any party under the age of 18 years, or whether or not such consent is necessary.

2. The following is substituted for section 13 of the said Act : Rev. Stat.
c. 131,
s. 13 repealed.

13—(1) Where, in case of an intended marriage, one of the parties thereto (not being a widower or widow) is under the age of 18 years, the consent of the father of such party, if living, or if the father be dead, the consent of the mother, if living, or of a guardian, if any has been duly appointed, shall be required before the license is issued. When one of
the parties is
an infant.

(2) Where such consent is necessary under the preceding sub-section no license or certificate shall be issued without the production of the consent, and the issuer or deputy issuer shall

shall satisfy himself of the genuineness of such consent by satisfactory proof, in addition to the affidavit required of the party as aforesaid.

(3) In the case of a party under the age of 18 years (not being a widower or widow), if both the father and mother of such person are dead, and there is no guardian of such party duly appointed, the issuer or deputy issuer, on being satisfied as to the facts, may grant the license or certificate.

(4) In case the father or mother, though living, is not a resident of this Province and is not in this Province at the time of the application for a license, and the party under the age of eighteen years is himself or herself a resident, and has been such resident for the preceding twelve months, the issuer or deputy issuer, on being satisfied by evidence of these facts, may grant the license or certificate.

(5) No license or certificate shall be issued in the case of any party under the age of 14 years, and no person shall celebrate the marriage ceremony in any case in which one of the contracting parties is under the age of 14 years, to the knowledge or information of the person to celebrate such ceremony.

Record of
proofs.

3. The issuer, or deputy issuer, shall keep on record the affidavits or depositions satisfying him of the facts of which he is to be satisfied before issuing a license.

Rev. Stat., c.
131, sched. C
repealed.

4. The schedule to this Act is hereby substituted for Schedule C to the said Act hereinbefore mentioned.

Rev. Stat. c.
131, s. 11, sub-s.
2 and 3, s 13.
and sched. C
repealed.

5. Sub-sections 2 and 3 of section 11, also section 13 and Schedule C in the said Act are hereby repealed.

Commence-
ment of Act.

6. This Act shall not come into force until the 30th day of June next after the passing hereof.

SCHEDULE C.

FORM OF AFFIDAVIT.

I, A.B., of the _____, in the county of (*addition*)
make oath and say as follows:

1. I and C.D., of _____, in the county of (*addition*)
are desirous of entering into the contract of marriage and of
having our marriage duly solemnized at the town (*or* village,
etc.) of _____, in the county (*or* district) of _____

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, prior marriage or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I, (or the said *C.D.*, or both, as the case may be) have (or has) had since the day of my (or his, or her, or our) usual place of abode within the municipality of in the said county (or district). (*Or if neither of the parties has, for the space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode in the county or district in which it is intended that the marriage shall be solemnized, add as follows:—*The reason of procuring the marriage to be solemnized in is not in order to evade due publicity or for any other improper purpose.)

4. I am of the age of years, and the said *C.D.* is of the full age of 18 years (or the said *C.D.* is of the age of years and no more.

5. I am a bachelor (or widower), and the said *C.D.* is a spinster (or widow).

6. (*If either party be under 18 and not a widower or widow add*): *E.F.*, of , in the county of is the person whose consent to the said marriage is required by law, and the said *E.F.* consents to the said marriage. The paper writing hereto annexed marked "A" is the consent of the said *E.F.* to the said marriage, and the signature thereto is of the proper handwriting of the said *E.F.*

The said *E.F.* is the father of the said *C.D.* [*or the said E.F. is the mother [or guardian duly appointed] of the said C.D. and the father of the said C.D. is dead*] (or the father and mother of the said *C.D.* are both dead and no guardian of the said *C.D.* has been appointed).]

[NOTE: The form to be varied as necessary in case the affidavit is made by the other party to the intended marriage.]

CHAPTER 41.

An Act to authorize Married Women, under age,
to bar Dower.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

Married women under
twenty-one
barring dower.

1. Any married woman, under twenty-one years of age, who is of sound mind, may bar her dower in any land or hereditaments by joining with her husband in a deed or conveyance thereof to a purchaser for value, or a mortgagee, in which deed or conveyance a release or bar of dower is contained, and she may in like manner release her dower to any person to whom such lands or hereditaments have been previously conveyed.

CHAPTER 42.

An Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes.

Assented to 5th May, 1894.

WHEREAS there is reason to believe that the establishment of councils of conciliation and arbitration for the friendly settlement of disputes between employers and employees would conduce to the cultivation and maintenance of better relations and more active sympathies between employers and their employees, and would be of benefit in the public interest by providing simple methods for the prevention of strikes and lock-outs, from which industrial operations and the welfare of the country generally may suffer injury ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ontario Trade Disputes Conciliation and Arbitration Act, 1894*," or as "*The Trade Disputes Act, 1894*." Short title.

2. In this Act, the word "employer" means any person or body of persons, incorporated or unincorporated, employing not less than ten workmen in the same business in which the trade dispute has arisen ; the word "employee" means any person in the employment of an employer, as defined by this Act. Interpretation.

3. A claim or dispute under this Act shall include any of the matters following as to which there is a disagreement between any employer and his employees : Claims and disputes within the Act.

(1) The price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages, or to the hours or times of working ;

(2) Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workmanlike manner or according to agreement ; or a dispute respecting materials supplied to employees and alleged to be bad, or unfit, or unsuitable ;

(3) The price to be paid for mining any mineral or substance mined, or obtained by mining, hewing, quarrying or other process ; or the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral substance is impeded ;

(4)

(4) The performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not ;

(5) Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind ;

(6) Ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places ;

(7) The dismissal or employment under agreement of any employee or number of employees ;

(8) The dismissal of an employee or employees for their connection with any trade or labour organization.

(9) No claim or dispute shall be the subject of conciliation or arbitration under this Act in any case in which the employees affected by such claim or dispute shall be fewer in number than ten.

Office of
Registrar.

4.—(1) The Lieutenant-Governor is hereby authorized to appoint a suitable person to act as registrar of councils of conciliation and of arbitration for the settlement of industrial disputes. Such office shall be assigned to some person performing other duties in the public service, unless and until the duties are so onerous as to require a separate appointment.

Duties, etc.,
of Registrar.

(2) It shall be the duty of the registrar to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees or on their behalf for reference to a council of conciliation or to the council of arbitration, of any dispute or claim within the meaning of this Act ; to convene such councils for the purpose of dealing with any dispute or claim ; to keep a register in which shall be entered the particulars of all references and settlements of disputes and claims made to and by a council of conciliation, and of all references and awards made to and by the council of arbitration ; and generally to do all such things and take all such proceedings as may be required in the performance of his duties under this Act or the regulations made in pursuance thereof.

Registrar to
issue summonses
and notices.

(3) The Registrar shall be the officer to issue all summonses to witnesses to attend to give evidence, with or without the production of papers and documents, and to issue all notices and perform all other acts in connection with the sittings of each such Council in the prescribed manner.

PROCEDURE FOR CONCILIATION.

Councils of
conciliation.

5.—(1) A council of conciliation for the purposes of any dispute or claim, shall consist of four conciliators, two to be nominated by each of the parties to the dispute.

(2)

(2) The nomination shall be by writing lodged with the registrar. Nomination of conciliators.

(3) Either party may lodge the nomination papers with the registrar at any time after the dispute has arisen; and if the registrar has not already received a nomination of two conciliators on behalf of the other party, he shall give notice to such other party of the nomination which he has received. Filing nomination papers.

(4) Any vacancy in a council of conciliation arising through the death, resignation, or otherwise, of any member thereof shall be filled in the same way as the appointment was first made, namely on the nomination of the party whose conciliator is deceased or has ceased to be a member of the council. Extraordinary vacancies.

6. A dispute or claim within the meaning of this Act may be referred for settlement to a council of conciliation in the cases following :— Reference to council of conciliation.

(1) The parties to the dispute or claim may jointly agree in the prescribed manner, to refer such dispute or claim for settlement to a council of conciliation. Agreement for reference.

(2) Either party to the dispute or claim, may, in the prescribed manner, lodge an application with the registrar requesting that the dispute or claim be referred for settlement to a council of conciliation. Application for reference.

7. The registrar, on receipt of any such agreement or application for a reference to a council of conciliation, shall forthwith lay the same before the council constituted in the prescribed manner; and, subject to the provisions of this Act and the regulations, shall carry out all directions of the said council given in the endeavour of the council to effect a settlement of the dispute or claim. Duties of registrar.

8. Either party to the dispute or claim may, for the purposes of this Act, be represented by one or more persons (not exceeding three) authorized by such party as manager or managers in that behalf; and such party shall be bound by the acts of such representative or representatives. Representatives before council of conciliation.

9. Where the party numbers fewer than twenty, the manager or managers must be authorized in writing signed by the members of the party to act for and on their behalf. When managers must have written authority.

10. Where the party numbers twenty or more, the manager or managers may be appointed or elected in such manner as the members of the party think proper. A copy of the resolution (if any) electing the managers, together with a declaration by the chairman or president of the meeting (if any) stating it to have been carried, shall be kept as a record of the election. Election of managers as representatives.

Written statement of case.

11. The parties to the dispute shall, if possible, agree to a joint written statement of their case ; but if they do not so agree, a statement in writing from each party shall be made. The statement or statements shall be forwarded to the registrar before the meeting of the council.

Meeting of conciliators.

12. When the parties to a dispute or claim have named their conciliators, the registrar shall by notice in writing (as in Form E in the schedule hereto,) convene a meeting of the conciliators at such time and place as therein mentioned, the same being selected with due regard to the general convenience of the conciliators and the parties.

Report of council.

13.—(1) The council of conciliation shall transmit to the Registrar a report setting forth the result of the reference. (Forms F and G.)

When council to report failure to bring about settlement.

(2) In case such report is to the effect that the Council has failed to bring about any settlement or adjustment of the dispute, the registrar on the receipt of the report, shall transmit a copy (certified by him) to each party to the dispute or claim ; whereupon either party may (Forms H, I) require the registrar to refer the dispute to the council of arbitration for settlement. (Form J.)

THE COUNCIL OF ARBITRATION.

Establishment of council of arbitration.

14.—(1) There shall be two councils of arbitration, a council of arbitration for the settlement by award in respect of disputes and claims other than between railway (including street railway) companies and wage-earners employed in respect of railway construction or traffic on railways ; and a council of Arbitration in respect of the disputes and claims between such railway companies and wage-earners so employed in respect of railway construction or traffic on railways.

(2) Each council of arbitration shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employees, and one to be appointed by him on the recommendation of the employers.

Appointment of president by agreement.

(3) The third member of each council of arbitration shall be the president of the council and shall be appointed in manner following, namely : The two members appointed may, within twenty-one days after their appointment, submit to the Lieutenant-Governor the name of some impartial person for the position of president. (Form A in Schedule to this Act.)

Appointment of president on failure to agree.

(4) In case of the said two members failing so to do, the Lieutenant-Governor shall appoint as president an impartial person not personally connected with or interested in any

trade or industry, or in the judgment of the Lieutenant-Governor likely by reason of his former occupation, business vocation, or other influence, to be biassed in favour of or against employers or employees.

(5) The same person may be president of both councils.

(6) As soon as practicable after a full council has been appointed by the Lieutenant-Governor, the names of the members of the council shall be notified by the registrar in the *Ontario Gazette*. Council to be gazetted.

(7) The Lieutenant-Governor may, on the recommendation of the recommending authority, cancel the appointment of any member appointed on the recommendation of such authority. Cancellation of appointment of member of council.

(8) The term of office of a member of each council shall be two years; at the end of which term and of every successive term of two years, a fresh appointment of members shall be made in manner aforesaid. Term of office.

(9) Every member of either council after the expiry or other termination of his term of office shall be eligible for re-appointment for a like term. Tenure of office.

(10) If the President of either council shall be declared a bankrupt or insolvent, or shall make a composition with his creditors, or shall make an assignment of his property or salary for the benefit of his creditors, or if any member of either council shall be convicted of any criminal offence, such president or member respectively shall be deemed thereby to have vacated his office of member. When president or members to forfeit office.

(11) Any vacancy in either council arising from death, resignation or other cause, shall be filled by the Lieutenant-Governor for the term of office, or the residue of such term (as the case may be), in accordance with the respective methods prescribed by this Act. Vacancies, disabilities, etc.

(12) In case the president of either council is unable to act as such from illness, absence from the Province, or other temporary cause, the Lieutenant-Governor may appoint a person to be acting president of the council of arbitration in his place; and such acting president shall have all the powers and perform all the duties conferred by this Act upon the president. Temporary appointment of president.

(13) If any member of either council other than the president shall, from illness or from any other disability howsoever arising, be unable to perform the duties of his office in respect to any dispute or claim then pending, the parties thereto may consent, in writing under their respective hands, to the appointment, by the Lieutenant-Governor, of a member named in such writing to act for and in the place of the member during such disability; and if either of the parties refuse such consent, then the judge of the county in which the matter is situate with respect to which the dispute has arisen may, on notice to the parties of application to him, make the nomination; and the

Lieutenant-Governor

Lieutenant-Governor may appoint the person so nominated, who shall thereupon be deemed a member of such council for all purposes relating to such dispute or claim, and to the hearing and determination thereof.

Members of council of conciliation may sit as assessors.

(14) Where a dispute has been referred to either council of arbitration, the members of the council of conciliation may, with the consent in writing of both parties to the dispute or claim, sit as assessors upon the reference to the council of arbitration. (Form M.)

Proviso.

Provided always that no such assessor shall take any part in the reference except as an assessor sitting to inform the council of arbitration when called upon to do so.

Remuneration of members of board.

(15) The members of each council of arbitration shall be remunerated for their services in such manner and according to such rate of payment as the Lieutenant-Governor in Council shall appoint, but subject to legislative provision being made therefor.

Mode of appointing arbitrators by employers and employees

15. The following may be the method of ascertaining the recommendation of employers and employees as to the persons to be appointed on their recommendation respectively as members of the councils of arbitration respectively :

Qualification of voters in the interest of employers.

(1) For the person to be recommended by the employers, every employer in the Province having at least ten persons in his employment shall be entitled to one vote ; every organization in the Province, whether incorporated or unincorporated, representing the interests of employers, each member of which has at least ten persons in his employment, shall be entitled to one vote.

(2) Every board of trade in the Province legally constituted shall be entitled to one vote for a representative of the employers in each council.

Qualification of voters in the interest of employees.

(3) For the person to be recommended by employees as a member of the council of arbitration in matters not belonging to railways, every trade and labour council, every district assembly of the knights of labour, every federated council of building trades, every lawfully incorporated trade union, every organization of wage-earners of an industrial calling primarily constituted for, and actually and *bona fide* operated for the regulation of the wages and hours of labour as between employers and employed, shall be entitled to one vote ; but this shall not be deemed to include co-operative associations or societies formed under the statute in that behalf.

(4) For choosing the person to be recommended by employees of railway companies as a member of the council of arbitration in matters belonging to railways, every organization in the Province, whether incorporated or unincorporated, exclusively representing the interest of wage-earners

employed

employed in respect of railway construction or traffic on railways shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies.

(5) The registrar shall give notice in the *Ontario Gazette*, calling on all organizations and persons entitled to vote for a member to be recommended to either council, or claiming to be so entitled, to communicate with him on or before the first of August, 1894, and every second year thereafter. Such notice is to be inserted for at least four weeks before the said day in each of the said years. Notice to representative interests.

(6) The registrar shall forthwith, after the first of August aforesaid, prepare a list of the persons and organizations appearing to be entitled to vote for a person to be recommended for appointment to each of the said councils respectively, and may refer any doubtful claim to the Minister of Agriculture for his advice or direction. Lists to be prepared.

(7) Each list so to be prepared shall give the last known post office address of every person and organization entitled to vote as employers and employees respectively for the said councils respectively, and shall be published in the *Ontario Gazette*, and shall be open to inspection at any time by any person without fee, in the office of the registrar during office hours.

(8) Between the first and thirtieth days of September next, and between the same days of every second year thereafter, the registrar shall transmit by post to the address of each person and organization entitled to vote, a voting paper; and such voting paper may be in the following form:— Voting papers to be transmitted to persons entitled to vote.

Voting paper of (*naming the person or organization.*)

is hereby recommended to be appointed a member of the council of arbitration for disputes between railway companies and their employees (*or in matters not relating to railway disputes*) under the said *Ontario Trade Disputes Conciliation and Arbitration Act, 1894* on behalf of the employers (*or employees, as the case may be.*)

(Signed)

(9) The voting paper of any person entitled to vote under this Act as an employer shall be signed by himself or some person duly authorized in writing in that behalf; and the voting paper of any organization entitled to vote shall be signed by the president or vice-president of the organization, or, in the absence of such president or vice-president, by any office bearer of the organization other than the secretary thereof, and shall be countersigned by the secretary or acting secretary; or, in the absence of such secretary or acting secretary, by any two members not being office bearers. The voting papers of a board of trade shall be under the corporate seal of the board. Signing voting papers.

(10) The voting paper shall be forwarded in a stamped envelope, addressed to the Registrar of Councils of Conciliation Addressing voting papers.

tion

tion and Arbitration, Toronto, and endorsed, "Voting paper under *The Ontario Trade Disputes Conciliation and Arbitration Act, 1894*."

When voting papers to be mailed.

(11) Every voting-paper shall be forwarded by mail or otherwise to the registrar so as to be received by him on or before the fifteenth day of October in the year 1894, and every subsequent second fifteenth of October thereafter.

Voting papers not received in time.

(12) Any voting paper received by the registrar after the time limited for the receipt of voting-papers by the last preceding regulation shall have no effect or validity.

Count of votes and report to be published.

(13) The registrar shall forthwith after the 15th October, count the recommendations as well by or on behalf of employees, as by or on behalf of employers for each council, and shall forward the same to the Minister of Agriculture, together with the registrar's report thereon; and the Minister of Agriculture, upon being satisfied of the accuracy of such report, shall publish in the *Ontario Gazette* the result of such recommendations, and the names of the persons appointed by the Lieutenant-Governor on the footing of such recommendations to be members of the councils of arbitration; and also the names of, and number of votes to the five persons who have received the greater number of votes for each council on behalf of employers and employees respectively.

Failure to elect member of railway council.

(14) If the organizations and each and every of them entitled to vote for a person to be recommended for the council which is to have in charge railway disputes fail to recommend any person to be appointed as a member of the said council, the arbitrator appointed to the other council on the recommendation of the employers as hereinbefore mentioned may be appointed by the Lieutenant-Governor to be the arbitrator representing the railway employers on the council to which railway disputes are to be referred as aforesaid.

PROCEDURE FOR ARBITRATION.

References to arbitration, how made, etc

16. Any dispute or claim within the meaning of this Act may be referred to the appropriate council of arbitration for its hearing and determination in any of the following cases:—

(1) On application, as in Form I, in the schedule hereto, to the registrar by either party to a dispute or claim which, having been referred to a council of conciliation, has not been settled or adjusted by such council.

(2) On application, as in Form H, in the schedule hereto, to the registrar by both parties to the dispute or claim within the meaning of this Act, which has not been so referred to a council of conciliation.

Provided

Provided that if in either case the award of the council of arbitration is not complied with or carried out by the parties, or for any reason proves abortive, the parties to the reference or either of them shall not thereby be precluded from referring the dispute to a council of conciliation, or from making a second reference to the council of conciliation where a former reference had already been made to it.

(3) If in case of a claim or dispute within the meaning of this Act, one party has lodged an application with the registrar requesting that the dispute or claim be referred to a council of conciliation, and appointing two conciliators for the purpose, and notice of the application and of the appointment of conciliators has been duly given to the other party, and such other party has not within a reasonable period appointed conciliators, and the party lodging the application has not proceeded to a strike or lock-out, as the case may be, the council of Arbitration, if it think fit, may proceed as in case of an abortive reference to a council of conciliation, and such council may report their decision as to the proper settlement of the dispute in question, and also in case the council so think proper, a concise statement as to the origin of the dispute, and the causes inducing the same, and what parties, if any, are in the opinion of the council mainly responsible for the same.

Where attempt to take conciliation proceedings has failed.

17. In every case referred to a council of arbitration the council shall have power to require, either or each party to the claim or dispute to name not more than three persons, who, upon their consent in writing, shall for all purposes of the reference be taken to represent such party (Form O).

Provisions as to parties and representatives.

18. The council of arbitration shall sit and conduct its proceedings as in open court, and in making its decisions shall be governed by the principles of equity and good conscience. The president shall for the purpose of preserving order during any sitting of the council have all the powers of a judge of the High Court of Justice, save that he shall not have the power of committing for contempt.

Conduct of proceedings of council of arbitration.

19.—(1) The report or award of the council of arbitration shall be made within one month after the council has completed its sittings for the hearing of the reference, and shall be by, and under the hands of, a majority of the members of the council, (Form K).

Award, how to be made.

(2) At the request of either party and if the council of arbitration approve, a copy of the report or award shall be published by the registrar in *The Ontario Gazette*.

(3) The report or award, or a copy certified under the hand of the president of the said council, shall be deposited in the office of the registrar, and shall be open to inspection without charge during office hours.

Award may be enforced by legal proceedings if so agreed.

20. Either party to a reference to either council of arbitration at any time before award made, may by writing under the hands of such party, as in Form L in the Schedule hereto, agree to be bound by the award of the council upon the reference, in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of the High Court of Justice. Every agreement so to be bound made by one party shall be communicated to the other party by the registrar, and, if such other party also agree in like manner to be bound by the award, then the award may be made a rule of the High Court of Justice on the application of either party.

MISCELLANEOUS PROVISIONS.

Powers of councils.

21. For the purposes of this Act, the councils of conciliation and arbitration shall have power—

Entry for purpose of viewing.

(a) To visit the locality where the trade dispute has arisen, and to hear all persons interested who may come before them.

Enforcing attendance of witnesses.

(b) To summon any person to attend as a witness before the council, and in the case of any person summoned refusing to attend, application may be made in a summary way to a justice of the peace having jurisdiction in the city, town or county wherein the council may be sitting for an order compelling such attendance; and such justice of the peace is hereby empowered to make such order as might be made in any case wherein such justice has power to compel appearance before him in pursuance of the Revised Statute of Ontario *Respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*. (Form P).

Rev. Stat. c. 74.

Taking evidence on oath

(c) To administer an oath or to take the affirmation of any person attending as a witness before the council, and to examine any such person on oath or affirmation.

Professional assistance not permitted.

22. No party to any proceeding either before a council of conciliation or a council of arbitration shall be represented by counsel or attorney or by any paid agent other than one or more of the persons between whom the dispute or claim has arisen.

Registrar not to receive fees.

23. No fees shall be paid to the registrar by any party in respect of any proceeding under this Act.

24. Every member of any such council of Conciliation whilst engaged in adjustment of any dispute shall be remunerated for his services as follows :—

Remuneration
of members of
Council of
Conciliation.

Preliminary meetings.....Three dollars.

Whole-day sittings.....Four dollars.

Half-day sittings.....Two dollars.

out of funds to be provided for by the Legislature.

25. Witnesses shall be entitled to the same fees as in the Division Court.

26. The Lieutenant-Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act. And all such regulations not being inconsistent with this Act shall have the full effect of law on publication in the *Ontario Gazette*. Such regulations shall be laid before the Legislative Assembly within fourteen days after being published in the *Ontario Gazette* if the Legislature be then in session; and if not, such regulations shall be laid before the Assembly within fourteen days from the date of the first day of the ensuing session of the Legislature.

Regulations.

27. The schedule hereto shall be read as part of this Act, and the forms therein set forth may be used for the purposes mentioned, or any other forms to the like effect, with such alterations as the nature of the dispute or claim, the description of the council to which it is referred, the character of the parties or the circumstances of the case may render necessary.

Schedule.

28. No proceeding under this Act shall be deemed invalid by reason of any defect of form, or any technical irregularity.

Informalities
not to invali-
date proceed-
ings.

SCHEDULE.

FORM A.

*(Section 14, sub.-s. 3.)*RECOMMENDATION AS TO PRESIDENT OF THE COUNCIL OF
ARBITRATION.

We, the undersigned arbitrators, appointed under the provisions of *The Ontario Trade Disputes Conciliation and Arbitration Act, 1894*, submit the name of _____, of _____, as that of an impartial person, qualified for the position of President of the Council of Arbitration as respects railway disputes (or as respects disputes other than railway disputes).

Dated this _____ day of _____

FORM B.

(Section 6, sub.-s. 1.)

AGREEMENT OF BOTH PARTIES TO REFER TO CONCILIATION.

(To be prepared in duplicate.)

Memorandum of agreement made this _____ day of _____ A.D. _____, between _____ employers and _____ employees.

Whereas a dispute or claim in respect of matters hereinafter stated has arisen between the parties hereto, the parties hereto do hereby refer the said dispute or claim for settlement to a council of conciliation, and we, the undersigned, as managers for the said employers, do hereby name and declare _____ and _____ to be conciliators for such employers; and we, the undersigned, as managers for the employees, do hereby name _____ and _____ to be conciliators for such employees upon such council as aforesaid.

The dispute or claim is as follows (*here state the matter or matters in dispute*).

Now, we, the parties hereto, do hereby request the registrar to have the said dispute or claim referred to a council of conciliation consisting of the aforesaid persons.

(To be signed by the)

Managers for the Employers.

Managers for the Employees.

Witness:

*(Appointment of managers to be attached.)**See Form D.*

FORM

FORM C.

(Section 6, sub-s. 2.)

APPLICATION BY ONE PARTY TO REFER TO CONCILIATION.

(Date.)

Whereas a dispute or claim, has arisen between
 , employers and
 employees; we, the undersigned managers for and on behalf
 of the aforesaid, apply to have the said dispute
 or claim referred to a council of conciliation, and hereby
 name and declare of and
 of to be our conciliators upon
 such council as aforesaid.

The dispute or claim is as follows *(here state the matter
 or matters in dispute.)*

Managers for

*(Appointment of managers to be attached.)**See Form D.*

FORM D.

(Section 9.)

AUTHORITY TO MANAGERS TO ACT.

We, the undersigned employers (or employees), one of the
 parties to the dispute or claim between and
 authorise of of
 and of to represent us, as managers
 before the council of conciliation and we hereby agree to be
 bound by the acts of these our representatives.

Dated this day A.D. 189 . . .

*(Where the appointment is made by employees it should be
 signed by not fewer than ten of such employees.)*

Witness:

FORM E.

(Section 12.)

CONVENING A MEETING OF CONCILIATORS.

(Date.)

I beg to inform you that you have been selected as a conciliator to deal with a certain dispute or claim between
 , employers and , employees.

You are requested to attend a meeting of the conciliators in the above matter, to be held on the day of
 at in the when the
 application in the said matter will be laid before you.

I have the honour to be

Your obedient servant,

A. B., Registrar.

FORM F.

*(Section 13.)*TERMS OF SETTLEMENT OR ADJUSTMENT AFTER REFERENCE TO
COUNCIL OF CONCILIATION.

Memorandum of settlement made this day of
 A.D. , between , employers
 and , employees.

Whereas a dispute or claim having arisen between
 , employers and , employees were
 appointed conciliators, and the undersigned were
 appointed managers for the said and the
 undersigned, were appointed managers for the
 said it is hereby declared that a settlement or
 adjustment of the said dispute or claim has been arrived at in
 the following terms, to which terms the said managers hereby
 agree for and on behalf of the said parties respectively :

(Insert terms of settlement.)

In witness whereof we, the undersigned, have hereunto set
 our hands.

A. B., C. D., Managers for Employers.

E. F., G. H., Managers for Employees.

I., J., K., Conciliators.

FORM

FORM G.

(Section 13.)

REPORT BY CONCILIATORS OF FAILURE TO SETTLE.

(Date.)

To the Registrar.

Whereas a certain dispute or claim was referred to us for conciliation by _____, employers and _____ employees, and such conciliation was duly entered upon, the parties aforesaid being duly represented by their respective managers and evidence was taken (*omit the latter words if such were not the case*), and the dispute or claim referred to us was fully discussed, but no settlement or adjustment was arrived at. Now, we, the conciliators hereinafter subscribed, report that we have been unable to bring about any settlement or adjustment of the dispute or claim so referred satisfactory to the parties thereto.

A., B., C., D., Conciliators.

FORM H.

(Section 13, sub.-s. 2; and section 16.)

JOINT APPLICATION TO REFER TO THE COUNCIL OF ARBITRATION.

(Date.)

To the Registrar under The Trade Disputes Act, 1894.

Whereas a dispute or claim in respect of matters hereinafter stated has arisen between _____, employer and _____, employees.

We, the undersigned, managers _____ for the said employers, and we, the undersigned, managers _____ for the said employees, duly appointed to represent the interests of the said parties respectively, hereby apply to have the said dispute or claim referred to the council of arbitration.

The dispute or claim is as follows :

(Here state the matter in dispute.)

Managers.

Managers.

(Appointment of Managers to be attached.)

See Form E.

FORM

FORM I.

(Section 13, sub.-s. 2; and section 16.)

APPLICATION BY ONE PARTY TO REFER TO THE COUNCIL OF ARBITRATION AFTER FAILURE OF COUNCIL OF CONCILIA- TION.

(Date.)

To the Registrar under The Trades Disputes Act, 1894.

Whereas a dispute or claim having arisen between _____, employers, and _____, employees, was referred to a council of conciliation, and the said council failed to settle or adjust the same ; now, therefore, we, the undersigned, being the managers duly appointed to represent _____, one of the parties to the said reference, do hereby require you to refer the said dispute or claim to the council of arbitration.

Managers.

FORM J.

(Section 13, sub.-s. 2.)

REFERENCE TO COUNCIL OF ARBITRATION AFTER FAILURE OF COUNCIL OF CONCILIATION.

Date.)

To the President of the Council of Arbitration as respects railway disputes (*or as respects disputes other than railway disputes.*)

Whereas a certain dispute or claim having arisen between _____ and _____ the same was referred for conciliation to _____, and they have reported that they have been unable to bring about any settlement or adjustment of the said dispute or claim satisfactory to the parties thereto, and whereas _____, one of the parties to the dispute or claim, requires such dispute or claim to be referred to the council of arbitration. Now therefore, I do so refer the said dispute or claim to the said council, and herewith transmit all the papers in the said reference to you as president of the said council.

Registrar.

FORM

FORM K.

(Section 19.)

FORM OF AWARD.

We, _____ President and _____ Arbitrators
as respects railway disputes (*or* as respects disputes other than
railway disputes) (*or* a majority of the council of arbitration),
in the dispute or claim between _____, employers and
_____, employees, do hereby award that
(*here set forth the award.*)

Given under our hands this day of
A.D. 189 .

(President.)
(Arbitrators.)

Witness:

(Registrar.)

FORM L.

(Section 20.)

AGREEMENT TO MAKE AWARD A RULE OF COURT.

Memorandum of Agreement made this _____ day of _____
A.D. 189____, between _____ and _____

Whereas certain disputes or claims (*here state shortly the nature of the dispute or claim*)

have arisen between the parties hereto, and it is desirable to refer the same to the council of arbitration as respects railway disputes (*or as respects disputes other than railway disputes*) and for the said parties to be bound by the award of the said council of arbitration in the same manner as parties are bound upon an award made pursuant to a reference to arbitration or to the order of the High Court of Justice, now it is hereby agreed by and between the parties aforesaid to refer the said disputes or claims to the award of the said council of Arbitration, and each of the said parties agrees with the other to be bound by the award of the said council in the same manner as parties are bound upon an award made pursuant to a reference to arbitration, by order of the High Court of Justice.

In witness whereof, we, the managers duly appointed and authorized to represent the parties hereto, have hereunto set our hands the day and year above written.

(Managers
For Employers.)

Witness:

(Managers
For Employees.)

FORM M.

*(Section 14, sub.-s. 14.)*CONSENT OF PARTIES TO CONCILIATORS BEING ASSESSORS IN
COUNCIL OF ARBITRATION.*(Date.)*

We, the managers appointed to represent the parties in the matter of the dispute between _____, employers, and _____, employees, hereby consent to _____ members of the council of conciliation to which the matter aforesaid was referred, sitting as assessors upon the reference to the council of arbitration.

Managers for Employers.

Managers for Employees.

FORM O.

*(Section 17.)*REPRESENTATIVE MANAGERS BEFORE THE COUNCIL OF
ARBITRATION.*(Date.)*

To the Registrar.

Whereas the council of arbitration has required _____ one of the parties to a dispute or claim between _____ and _____ referred to the said Council for award, to name not more than three persons, who, upon their consent in writing, shall for all purposes of the above reference be taken to represent such persons; now we, the undersigned, having been duly named as such persons, do hereby consent to represent the said party for all the purposes of the hereinbefore mentioned reference, and in witness of such consent hereunto set our hands.

(Signed)

Witness :

FORM P.

(Section 21.)

SUMMONS TO WITNESSES BEFORE EITHER COUNCIL.

To

Whereas a council of conciliation (or the council of arbitration as respects railway disputes (or as respects disputes other than railway disputes) constituted under *The Ontario Trade Disputes Conciliation and Arbitration Act, 1894*, has now before it for conciliation (or arbitration, as the case may be), a dispute or claim between

, employers, and
 , employees; and whereas the said
 desire that you should attend before
 the said council as a witness to give evidence, and have authorized and required me, , as registrar, to issue this summons for your attendance, I do hereby, in exercise of the powers in this behalf given by the said Act, summon and require you, to attend at , on , the day of
 at the hour of , in the noon of the said
 day, at , before the said council, there to be examined and give evidence as to and concerning the said dispute or claim, and so to attend from day to day thereafter until you have been duly discharged by the said council from further attendance.

And I further require you to bring with you and produce at the time and place aforesaid (*documents, etc., if any, required to be produced by witness*).

In default of your attending at the time and place aforesaid, you are liable to be proceeded against under the provisions of *The Ontario Trade Disputes Conciliation and Arbitration Act, 1894*.

In witness whereof, I, the said , as such Registrar as aforesaid, have hereunto set my hand this day of , in the year of our Lord one thousand eight hundred and ninety .

A. B.

Registrar.

NOTE.—The witness is entitled to the same witness fees as in the Court

CHAPTER 43.

An Act to amend the Law of Landlord and Tenant.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
143, s. 28
amended.

1. Sub-section 1 of section 28 of the *Act respecting the law of Landlord and Tenant* is repealed and the following substituted therefor :—

Goods on
premises not
property of
tenant to be
exempt.

(1) A landlord shall not distrain for rent on the goods and chattels the property of any person except the tenant or person who is liable for the rent, although the same are found on the premises ; but this restriction shall not apply in favour of a person claiming title under or by virtue of an execution against the tenant, or in favour of any person whose title is derived by purchase, gift, transfer, or assignment from the tenant, whether absolute or in trust, or by way of mortgage or otherwise, nor to the interest of the tenant in any goods on the premises in the possession of the tenant under a contract for purchase or by which he may or is to become the owner thereof upon performance of any condition, nor where goods have been exchanged between two tenants or persons by the one borrowing or hiring from the other for the purpose of defeating the claim of or the right of distress by the landlord, nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law, or son-in law of the tenant, or by any other relative of his, in case such other relative lives on the premises as a member of the tenant's family.

CHAPTER 44.

An Act respecting the admission of Barristers as Solicitors and respecting the Call of Solicitors to the Bar.

Assented to 5th May, 1894.

WHEREAS there are divers barristers in this Province Preamble. who have not been admitted as solicitors, and are entitled to such admission on furnishing certain proofs, passing an examination, and paying certain special fees; and whereas rules and regulations of the Law Society, passed in Easter term, 1889, prescribe that students at law and articled clerks pursue the same course of study and pass the same examinations as conditional to call to the bar, or admission as solicitor; and whereas prior to the making of these rules and regulations certain solicitors had passed the examinations required under the Solicitors' Act, and were duly admitted and enrolled as solicitors, and have been in actual practice as such, but have not since taken the steps necessary for call to the bar; and whereas the rules and regulations of the Law Society further prescribe that solicitors in good standing and in actual practice for ten years prior to the making of the rules and regulations first aforesaid are eligible to be called to the bar on furnishing certain proofs, passing the examination, and paying certain special fees; and whereas it is expedient to make the provisions hereinafter contained in respect of the said fees and examinations and in respect of students and articled clerks, to whom the said rules and regulations of Easter Term, 1889, as to examinations do not apply;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any person who before the passing of this Act has been duly called to practice at the Bar of Ontario, and has or shall have practised as a barrister in this Province for the periods respectively hereinafter mentioned, may be admitted and enrolled as a solicitor under the *Act respecting Solicitors* on the terms and conditions hereinafter mentioned.

Admission of certain barristers as solicitors.

Rev. Stat. c. 147.

2. Where such barrister shall previous to the time of filling his application for certificate of fitness have been in actual practice for ten years or more, he shall be entitled to such certificate without any examination.

When barrister has practised for ten years.

When barrister has practised for five years.

3. Where such barrister shall previous to the time of filing his application for certificate of fitness have been in actual practice for five years or more but not for ten years, he shall be entitled to the certificate on passing such examination as may be prescribed by the Law Society for such cases, and shall have not to attend the Law School.

Notice of application for certificate of fitness.

4.—(1) Notice of the intention of candidates to apply for certificate of fitness under the provisions of this Act shall be sufficient, if written notice be given to the secretary of the Law Society as in ordinary cases of students at law for call; and the application for certificate of fitness shall be signed by a barrister practising in the county or district in which such candidate resides, who shall certify that the candidate is in the opinion of such barrister a fit and proper person to be admitted and enrolled as a solicitor. No notice in the *Ontario Gazette* or any newspaper shall be necessary.

Fees.

(2) Every such barrister before obtaining his certificate of fitness to be admitted and enrolled as a solicitor, shall be liable to pay such fees only as are payable by an articulated clerk in ordinary cases on his being admitted as a solicitor.

Admission of solicitors to practice at the bar.

5. Any person who, before the passing of this Act, has been duly admitted and enrolled as a solicitor of the Supreme Court of Judicature for Ontario, and has or shall have practised as a solicitor in this Province for the periods respectively hereinafter mentioned, may be admitted to practise at the bar in Her Majesty's courts in Ontario on the terms and conditions hereinafter mentioned.

When solicitor has practised for ten years.

6. Where such solicitor shall previous to the time of filing his application for call have been in actual practice for ten years or more he shall be entitled to be called to the bar without further examination.

When solicitor has practised for five years.

7. Where such solicitor shall, previous to the time of filing his application for call, have been in actual practice for five years or more, but not for ten years, he shall be entitled to be called on passing such examination as may be prescribed by the Law Society for such cases, and shall not have to attend the Law School.

Notice of application for call.

8.—(1) Notice of the intention of candidates to apply for call under the provisions of this Act shall be sufficient if written notice be given to the secretary of the Law Society as in ordinary cases of students-at-law for call; and the notice of presentation to convocation shall be signed by a barrister practising in the county or district in which such candidate resides, and shall certify that the candidate is in the opinion of such barrister a fit and proper person to be called to the bar. No notice in the *Ontario Gazette* or elsewhere shall be necessary.

(2) Every such solicitor before being called to the bar shall be liable to pay such fees only as are paid on the call to the bar in ordinary cases. Fees.

9. For the purpose of this Act, any solicitor holding any of the offices in the High Court mentioned in section 27 of the revised *Act respecting Solicitors* shall be deemed to have been in actual practice within the meaning of this Act while holding such office. Solicitors holding office in High Court.
Rev. Stat. c. 147.

10. Notices given by candidates of intention to apply for call during Easter Term, 1894, in accordance with the existing rules of the Law Society, shall be held applicable as notices of intention to apply for call during such term under this Act. Notices for call during Easter term 1894.

CHAPTER 45.

An Act to amend The Pharmacy Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

56 V. c. 28,
s. 2 amended.

1. Section 35 of *The Pharmacy Act*, as enacted by section 2 of chapter 28 of the Acts passed in the 56th year of Her Majesty's reign, is amended by striking out the words, "Until after the first day of July, 1894," and inserting in lieu thereof the words, "Until after the first day of July, 1895."

CHAPTER 46.

An Act to amend The General Road Companies' Act

Assented to 5th May, 1894.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The owner or occupant of any lands through or along the boundaries of which a toll road has been constructed, may give notice in writing to the company or municipal corporation owning or controlling the road, requiring the company or municipal council to commute the tolls payable at any toll gate or toll gates on the road, in respect of vehicles and animals owned by or in the possession of such owner or occupant, at a gross amount for one year from the date at which the amount of the commutation shall be settled; and if the said owner or occupant and the said company or municipal council owning or controlling the road, are unable to agree upon the amount to be paid, the same shall, on the application of such owner or occupant, be determined by the judge sitting in the division court of any division into which any part of the said road extends, whose decision shall be final. Commuting tolls payable by persons residing on a toll road.
2. An owner or occupant making application under the preceding section, shall give at least ten days' prior written notice thereof, to the company or municipal corporation owning or controlling the road, by leaving the said notice with the person in charge of the toll gate or one of the toll gates on the said road, in respect to which commutation is sought, and the notice shall state the name of the applicant in full, his place of residence, occupation, and post-office address, and the time and place of the sitting of the division court at which the said application will be made. Notice of application to judge.
3. The judge of said division court on proof of the due service of the said notice, shall, at the sittings mentioned therein, hear the parties to the application and take evidence on oath, if required, and shall dispose of the matter in a summary way, and shall give his decision thereon in writing to such of the parties as shall apply for the same, and the disposition of the costs of the proceedings shall be in the discretion of the judge, who shall make such order in the premises as appears to him to be reasonable and just. Judge to hear and determine question summarily.
4. The judge may upon the hearing have regard to:—(a) an approximate estimate of the amount of toll paid by the applicant Matters to be considered by judge.

applicant during the twelve months next preceding the application, and the probable travel for the twelve months succeeding the date of such decision; (b) the number of horses or other animals, and the number and nature of the vehicles owned or used by the applicant, in respect of which toll may be demanded; (c) the distance from the said gate or gates at which the property owned or occupied by the applicant is situated; (d) the cost of that portion of the road travelled over by the applicant and the benefits and advantages derived by him from the construction of such road, and (e) such other considerations as may be necessary to do justice in the premises.

Extra tolls.

5. No such order for commutation shall be construed to affect the right of the company or corporation owning or controlling the road, to demand and enforce payment of the extra tolls authorized by section 86 of *The General Road Companies Act*.

Rev.Stat. 159.

Re-consideration of order of commutation.

6. If at any time during the currency of such order it shall be made to appear to the judge who granted the same that by reason of altered or unforeseen circumstances, the actual user of the road by the person so commuting is so increased or so decreased as to render the sum fixed by such order manifestly unjust, either party may, by leave of the said judge, obtain a re-consideration of the order in the same manner as is herein provided for the original application, and upon such reconsideration the said judge may make such amended or other order as he shall deem just between the parties.

Pass to be given on payment of amount fixed by judge.

7. Upon the production of the order of the judge fixing the amount to be paid by the applicant by way of commutation as aforesaid, and on payment of the amount named in the said order or upon payment of the amount agreed upon as the case may be, the company or corporation owning or controlling the road shall give to the person so commuting, a ticket or pass for the toll-gate or toll-gates in respect of which commutation has been made, and upon the production of such ticket or pass by the person named therein, or by his servants, or the members of his family, all vehicles, horses and other animals, in respect of which toll would otherwise be payable, if owned by or in the possession of the person commuting as aforesaid, shall be permitted to pass through the said gate or gates without payment of toll during the period for which commutation has been made.

Penalty for transferring pass, etc.

8. Any person who fraudulently transfers a pass given under the provisions of this Act, or who uses or attempts to use the same so as to enable vehicles, horses, or other animals, other than those mentioned in the preceding section, to pass through any toll-gate or over any toll-road, without payment of toll, shall be liable on summary conviction thereof to a fine of not less than \$5 and not more than \$20, or to imprisonment for any period not exceeding thirty days.

CHAPTER 47.

An Act respecting Companies licensed under The Revised Statute authorizing Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any company which has heretofore obtained a license under the revised statute intituled *An Act to authorize Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein* may obtain letters patent under section 3 of *The Ontario Joint Stock Companies' Letters Patent Act*, and thereupon the said first mentioned Act shall no longer apply to the said company.

Incorporation of companies licensed under Rev. Stat., c. 168.

Rev. Stat. c. 157.

2. Sub-section 4 of section 3 of *The Ontario Joint Stock Companies' Letters Patent Act* is repealed.

Rev. Stat. c. 157, s. 3, sub-s. 4, repealed.

CHAPTER 48.

An Act respecting Benefit Societies.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act incorporated with 55 V. c. 39, and 56 V. c. 32.

1. This Act shall be read and construed as one with *The Insurance Corporations Act, 1892*, and with the Act passed in the fifty-sixth year of Her Majesty's reign and chaptered 32.

Incorporation of Trade Unions and Wage-earners' Societies.

2.—(1) Upon like proceedings taken as enacted in section 2 of the last mentioned Act, incorporation, subject to the same limitations, may be granted in either of the two following cases:—

(a) Where any trade or labour union or organization proposes to undertake contracts with its own members exclusively for any of the insurance benefits enumerated in sub-section (2)C of section 4 of *The Insurance Corporations Act, 1892*, or contracts to furnish tools or to pay unemployed or superannuation benefits to the said members;

(b) Where any organization of wage-earners consisting of not less than twenty-five members and managed and operated as a friendly society under rules conforming to *The Insurance Corporations Act, 1892*, proposes to contract with its own members exclusively for sick benefits not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits.

Registry of bodies so incorporated.

(2) The body so incorporated may, upon due application, be admitted to registry as a friendly society; but, unless and until so registered, the corporation shall not undertake, nor agree or offer to undertake, any contract insuring the said or other insurance benefits.

55 V. c. 39, s. 62 amended.

(3) Sub-division 3A of Division 1 of section 62 of *The Insurance Corporations Act, 1892*, is amended in Article (c) by striking out the figure "5" and inserting the figure "3" in lieu thereof.

Merger of prior incorporation.

3. Where any society, association, union, organization or lodge already incorporated under a prior Act of this Province becomes incorporated under the Act passed in the fifty-sixth

sixth year of Her Majesty's reign and chaptered 32, or under this or any amending Act, such prior incorporation shall be deemed to have been merged in and superseded by the said later incorporation.

4.—(1) Where it is proved to the satisfaction of the executive of a registered friendly society that any beneficiary under an insurance certificate or contract of the society is leading a criminal or an immoral life, then and notwithstanding anything contained in chapter 136 of the Revised Statutes of Ontario, 1887, or in any other Act of this Province it shall be competent for the assured, with the consent of the said executive, to declare either by endorsement on the certificate or contract or by other writing, that all right, title and interest of the said beneficiary in or to the benefit under the certificate is forfeited and annulled; and thereupon the said right, title and interest shall be forfeited and annulled accordingly; and the assured by a like writing may then or thereafter from time to time make a new appropriation in accordance with the lawful rules of the society, and may re-appropriate the benefit; and the right of the assured in this behalf shall be in addition to his rights under chapter 136 of the Revised Statutes or other Acts of this Province.

Assured may annul where beneficiary leading a criminal or immoral life.

(2) This section applies to certificates or contracts heretofore issued as well as to future certificates or contracts.

CHAPTER 49.

An Act respecting Aid to certain Railways.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Aid granted.

1. There shall be granted out of the consolidated revenue fund to the undermentioned railway companies for the construction of the portions of railways hereinafter mentioned, the sums following, that is to say :—

To Irondale,
Bancroft and
Ottawa Rail-
way Co.

- (1) To the Irondale, Bancroft and Ottawa Railway Company, from a point twenty-five miles from Irondale, at the end of the portion of the railway to which aid was granted in 1893, and thence easterly for a distance of fifteen miles, a cash subsidy of \$3,000 per mile.

Northern and
Pacific Junction
Railway
Co.

- (2) To the Northern and Pacific Junction Railway Company, for the construction of a spur line from a point on their railway at or near Burk's Falls, to connect with the navigation of the Maganetawan River, a distance of about one and a half miles, a cash subsidy of \$7,500.

Ottawa, Arn-
prior and
Parry Sound
Railway Co.

- (3) To the Ottawa, Arnprior and Parry Sound Railway Company, from a point thirty-five miles westerly from Barry's Bay, at the end of the portion of the railway to which aid was granted in 1893, for a further distance of thirty-five miles westerly, a cash subsidy of \$3,000 per mile.

Ontario and
Rainy River
Railway Co.

- (4) To the Ontario and Rainy River Railway Company from a point at or near Sand Lake, on the line of the Port Arthur, Duluth and Western Railway, thence westerly in the direction of Hunter's Island, and north-westerly in the direction of and to or near Moss Township and to or near Kawawagamog River, not exceeding in the whole a distance of thirty-five miles, a cash subsidy of \$3,000 per mile.

Application of
52 V., c. 35, s. 2.

2. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

3. The subsidies hereby granted shall be subject to the following conditions:—

Conditions on which grants are made.
Stations.

(1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public.

(2) Every company to which aid is granted by this Act, shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway.

Compliance with regulations for protection of timber.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the consolidated revenue fund of the Province.

Grants not earned in five years.

5. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Irondale, Bancroft, and Ottawa Railway; the Northern and Pacific Junction Railway; the Ottawa, Arnprior, and Parry Sound Railway; and the Ontario and Rainy River Railway, to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign.

Land subsidy fund.

CHAPTER 50.

The Municipal Amendment Act, 1894.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Separation of
farm lands
from cities,
towns or
villages.

1. Upon the application of the council of any city, town or village and of the owners of any lands therein wholly used for farming purposes, the Lieutenant Governor in Council may by proclamation, exclude and detach such lands from the said city, town or village and annex the same to some adjoining municipality, upon such terms as may have been agreed upon between the council of such adjoining municipality and that of the said city, town or village and the owners of the said lands, or upon such terms as may have been determined by arbitration in case they cannot agree upon the terms.

55 V. c. 42,
s. 79,
amended.

2. Section 79 of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "four" in the second line of sub-section four of said section, and substituting therefor the word "six."

55 V. c. 42,
s. 105,
amended

(2) Section 105 of the said Act is amended by striking out the word "four" in the sixteenth line of the said section and substituting therefor the word "six."

55 V. c. 42,
amended.

3. The said Act is amended by adding thereto the following as section 232a:—

Remuneration
of aldermen
in large cities.

232(a)—(1) In cities having a population of 100,000 or over the council may by by-law determine that an annual remuneration, not exceeding \$300, may be paid to aldermen, and that an annual remuneration not exceeding \$100 in addition may be paid to the chairmen of the standing committees and of the court of revision and board of health, and it shall be provided that in the case of aldermen or chairmen there shall be deductions from such remuneration on account of absence from meetings of the council or committees or court of revision or board of health.

(2) The provisions of this section shall apply to the current year as well as to future years.

55 V., c. 48,
s. 250 and
56 V. c. 35 s. 5
amended.

4. Section 250a of the said Act, as enacted by section 5 of *The Municipal Amendment Act, 1893*, is amended by adding thereto the following sub-section:—

(7)

(7) The provisions in this section contained shall apply to and be in force in every township, the municipal council of which so enacts by by-law passed for that purpose.

Books to be kept by treasurer of township.

5. Section 413 of *The Consolidated Municipal Act, 1892*, as the same is enacted by section 10 of *The Municipal Amendment Act, 1893*, is amended by adding thereto the following sub-sections:—

55 V. c. 48, s. 413, and 56 V., c. 35, s. 10, amended.

(2) The council of any municipality shall have similar borrowing powers, as in sub-section 1 of this section mentioned, with regard to moneys required by the trustees of any public school within such municipality or by the trustees of a high school district of which such municipality is partly or wholly composed; provided always that such sums of money do not exceed the estimates submitted by such public or high school trustees as required by the public or high schools Acts.

Borrowing money for school purposes.

(3) All moneys raised by the municipal council for the current expenditure of public or high schools shall be paid to the treasurer of the school corporation entitled to receive the same in monthly instalments on the requisition of the school corporation concerned.

Payment of school loans to treasurers of boards.

6. Section 435 of *The Consolidated Municipal Act, 1892*, is amended by adding the following as sub-section 2a thereof:—

55 V. c. 42, s. 435 amended.

(2a) The commissioners shall annually at their first meeting held after the mayor of the municipality has taken his oath of office, elect a chairman.

7. Sub-section 9a of section 489 of the said Act is amended by adding thereto after the word "roll" in the third line thereof the following words: "or who may be entered for the first time in the assessment roll of such municipality."

55 V. c. 42, s. 489, sub-s. 9a repealed.

8. Sub-section 2 of section 495 of the said Act is amended by inserting therein after the word "auction" in the third line thereof the following words: "and for prohibiting the granting of such license to any applicant who is not of good character, or whose premises are not suitable for the business or upon residential or other streets in which in the opinion of the council it is not desirable that the business of auctioneer should be carried on, such qualifications to be determined by such means as the by-law provides."

55 V. c. 42, s. 495, sub-s. 2, amended.

Auctioneers' licenses.

9. Section 496 of the said Act is amended by adding thereto the following sub-sections:—

55 V. c. 42, s. 496, amended.

5a. For setting apart, upon such terms as to resumption by the municipality and otherwise as the by-law may state, portions of the public streets at or near the sides thereof for the purpose of boulevards, and regulating the construction and maintenance of such boulevards,

By-laws for setting apart boulevards.

vards,

wards, or for permitting the owners of property abutting on any street to construct at their own expense such boulevards, but so as not to unreasonably confine, impede or incommode public traffic; and for regulating and confirming boulevards already constructed on any street.

For protection of boulevards. 5b. For making regulations for the protection of all boulevards constructed in the public streets.

55 V. c. 42, s. 496, sub-s. 25, amended.

10. Sub-section 25 of section 496 of the said Act is amended by striking out the words, "the property of non-residents and all other persons who for twenty-four" in the sixth and seventh lines thereof, and inserting in lieu thereof the following words, "or the property of persons who for twenty-four."

55 V. c. 42, s. 504 amended.

11. Section 504 of the said Act is amended by adding thereto the following sub-section:—

By-laws compelling street railway companies to provide shelter for motormen.

(17) The council of every city may pass by-laws from time to time to compel every electric railway company, operating its railway within the limits of such city, to provide proper and sufficient enclosed vestibules upon its street cars to protect the motormen and persons in charge of such cars, during the months of November, December, January, February and March in every year, from exposure to cold, snow, rain or sleet, while engaged in operating the cars.

55 V. c. 42, s. 340, sub-s. 5, amended.

12—(1) Sub-section 3 of section 340 of the said Act is amended by adding at the end thereof the following words:—

"Such annual rate to begin from the date when the debentures are by the by-law directed or authorized to be issued, whether in the year in which the by-law takes effect or in a subsequent year. And no by-law heretofore or hereafter passed shall be deemed or held to be invalid by reason only of such annual rate commencing at a time subsequent to the year in which the by-law took or will take effect, or because the levy of such annual rate is not to begin until the fulfilment of conditions contained in the by-law."

(2) Nothing in this section contained shall prejudice or affect the question of costs of any action or proceeding now pending.

55 V. c. 42, s. 531, sub-s. 1, amended.

13. Sub-section 1 of section 531 of the said Act is amended by adding at the end thereof the following proviso: "Provided, however, that no municipal corporation shall be liable for accidents arising from persons falling, owing to snow or ice upon the sidewalks unless in case of gross negligence by the corporation; and provided also that no action shall be brought to enforce a claim for damages under this sub-section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor, reeve, or other head of the corporation, or to the clerk of the municipality within thirty days after the happening of the accident; and provided also that in case of the death of the person by whom the damages have been sustained the want of

of notice shall be no bar to the maintenance of the action, nor in other cases shall the want or insufficiency of the notice be a bar to the action if the court or judge before whom the action is tried is of opinion that there was reasonable excuse for the want or insufficiency of such notice, and that the defendants have not thereby been prejudiced in their defence."

14. Section 533*a* of the said Act is repealed; but such repeal shall not affect the costs heretofore incurred in any arbitration, action, suit or proceeding now pending; but the question of costs may be adjudicated upon and determined as if this Act had not been passed; nor shall such repeal affect any contract or agreement heretofore made or entered into between any county and one or more of the minor municipalities thereof relating to the construction or maintenance of any particular bridge or bridges, but such contract or agreement shall remain as though this Act had not been passed. 55 V. c. 42, s. 533*a* repealed.

15. Section 489 of the said Act is amended by adding the following as sub-section 23(*a*):— 55 V. c. 42, s. 489, amended.

23(*a*) For directing the removal of any fence, timber, stone, firewood, or any other obstruction placed upon any highway under the control of the council, excepting material that is to be used for road or bridge purposes. By-laws for removal of certain obstructions from roads.

(*a*) For providing that the party or parties placing any such obstructions or materials upon any highway shall, after notice to remove the same, and upon default for five days after such notice, be liable for the expense of the removal of the same.

(*b*) For providing that the pathmasters, in their several road divisions, or other officers appointed for the purpose, shall enforce the provisions of such by-law.

(*c*) Provided always that unless the by-law otherwise expressly provides, a worm fence which is not for more than one half its width upon a road allowance, shall not be deemed an obstruction within the meaning of this sub-section.

16. The said Act is amended by adding the following as section 623*c* thereto:— 55 V. c. 42 amended.

623*c*—(1) It shall be lawful for the council of the corporation of any city or town which has not adopted the local improvement system in respect of sidewalks, by by-law to provide from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, forty per cent. of that part of the cost of the construction of granolithic, stone, asphalt or brick sidewalks upon leading or principal business streets of such city or town as local improvements falling on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said forty per cent. to the said part of the cost of the construction of said sidewalks to be provided by the municipality, and to issue debentures for the amount thus obtained, and it shall not be necessary to submit Power to advance from general funds or borrow forty per cent. of the cost of certain improvements.

Assent of
electors not
required.

submit the by-laws of the said corporation authorizing the issue of the said debentures to, or to have the assent of, the electors of the municipality before the final passing thereof, but any by-law for carrying the provisions of this section into effect, both as to selecting streets and providing the necessary funds, shall require an affirmative vote of three-fourths of the members of the council.

Remainder of
cost to be
assessed on
property
benefited.

(2) The remainder of that part of the cost of constructing the said sidewalks, falling on the property benefited, after the said forty per cent. has been deducted, shall be assessed for and dealt with in the manner provided in this Act as to assessments for local improvements in other cases.

Irregularities
in form not to
invalidate
debentures.

(3) Sub-section 4 of section 352 of this Act shall apply to by-laws and debentures passed and issued under this section.

55 V. c. 42, s.
637*a* and
56 V., c. 35,
s. 32, amended

17. Section 637*a* of the said Act, as the same is amended by section 32 of *The Municipal Amendment Act, 1893*, is further amended by striking out all the words between the word "Act" in the fourth line and the word "by-laws" in the fifth line, and inserting in lieu thereof the words "and the council of any municipality may pass."

55 V., c. 42,
s. 480, sub-s.
6, and
56 V. c. 35,
s. 5, repealed.

18. Sub-section 6 of section 480 of the said *Consolidated Municipal Act, 1892*, as enacted by section 15 of *The Municipal Amendment Act, 1893*, is repealed.

Commence-
ment of Act.

19. This Act shall come into force upon the passing thereof except as to section 13, and as to that section on the first day of September, 1894.

CHAPTER 51.

The Assessment Amendment Act, 1894.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In assessing lands under the first sub-section of section 7a of *The Consolidated Assessment Act, 1892*, the assessment shall be on the same principles as the 27th section provides for cases under that section, subject to the other sub-sections of the said section numbered 7a. And it is hereby declared that the said sections apply whether the lands assessed have or have not been divided into building lots.

Assessment of farm lands in towns and villages.

2. Section 63 of the said Act is repealed and the following substituted therefor :—

55 V. c. 48, s. 63 repealed.

63. If a person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness fails without good and sufficient reason to attend, having first been tendered compensation for his time at the rate of 75 cents per day and his proper travelling expenses if he resides more than three miles from the place of trial, or if having attended, or being present in court, he refuses to be sworn if required to give evidence, he shall incur a penalty of not more than \$25 to be recoverable with costs by and to the use of any person suing for the same either by suit in a division court or in any way in which penalties incurred under any by-law of the municipality may be recovered.

Compelling attendance of witnesses at court of revision.

3. Section 67 of the said Act is amended by adding at the end thereof the following :—

55 V. c. 48, s. 67 amended.

(a) Wherever it shall be shown to the satisfaction of the court that taxes have become due and owing upon a parcel of land, assessed against the same in one block, but which block has subsequently been subdivided and a plan of such survey thereof registered and sales made thereunder, and where it appears that such taxes, or any portion thereof, have remained unpaid upon such land and are a charge upon the whole thereof, the said court, upon the application of or on behalf of any person claiming to be the owner of one or more lots in such survey, may, after due notice of the application to all owners, direct the apportioning of such taxes in arrear over and upon said lots, according and in proportion to their relative values at the time of the assessment, regard being had

Collection of arrears after subdivision of land charged.

to

to all special circumstances attending such application, and upon payment of such amounts as may be apportioned upon any such lot the same shall be applied in full satisfaction of the taxes thereon, or make such other direction in reference thereto as the particular circumstances of the case may require. The proviso herein contained shall be retroactive in its operation, but shall not apply to any lands which have been advertised for sale for taxes.

(b) An appeal may be had to the judge of the county court against the decision or appointment of the court of revision by the municipality or by any owner or owners.

(c) Forthwith after such apportionment has been made the clerk of the municipality shall notify the treasurer thereof in the case of cities and separated towns, and the county treasurer in other cases, of such apportionment, and shall transmit therewith a copy of the same as finally settled by the court; and upon receipt thereof, such treasurer shall enter the same in his books and thereafter each lot or other subdivision of the land affected shall be liable only for the amount of taxes apportioned thereto, and shall be liable for sale for non-payment of the tax so apportioned or charged against it as if each such lot or subdivision had been originally assessed therefor.

55 V. c. 48, s.
68 amended.

3. Section 68 of the said Act is amended by adding the following sub-section thereto :—

Subpœna for
court of revision.

(8) A subpœna to compel the attendance of any witness required before the county judge upon any appeal or new trial under this Act may be issued by the clerk of the county court of the county in which the municipality is situated whose assessment roll is in question, which said subpœna shall be tested as are other subpœnas issued out of the county court of the said county in actions therein and may be intitled as is provided in section 71 of this Act.

55 V. c. 48, s.
70 amended.

4. The following sub-section is added to section 70 of the said Act :—

Appeal to
county judge
where question of fact
involved.

(2) The hearing of the said appeal by the county judge shall, where questions of fact are involved, be in the nature of a new trial, and either party may adduce further evidence in addition to that heard before the court of revision, subject to any order as to costs or adjournment which the judge may consider just.

55 V. c. 48,
amended.

5. The said Act is further amended by inserting therein the following section as section 76a :—

County judge
may state case
for opinion of
court of
appeal.

76a. In order to facilitate uniformity of decision without the delay or expense of appeals,—

1. A county judge may, after his judgment in the case or matter, prepare a statement of the facts in the nature of a

case

case on any question of general application which has arisen under this Act, and may transmit the same to the Lieutenant-Governor in Council, who thereupon may state a case and immediately refer the same to a judge of the Court of Appeal, for the opinion of a judge thereupon; or

2. The Lieutenant-Governor in Council may, without such statement, refer a case on any such general question to a judge of the Court of Appeal, for a like opinion.

Lieutenant-Governor may obtain opinion.

3. Immediately upon the receipt of such case it shall be the duty of a judge of such court (to be named by the Court of Appeal or Chief Justice thereof), to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in the case, of which time and place written notice shall be given by the registrar of the court posting up a copy of the notice in the office of each one of the Divisions of the High Court at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid.

Duty of court.

4. At the time and place fixed therefor as aforesaid, or at any time to which he may adjourn the same, the judge shall hear argument upon the case by such of the counsel present (if any) as he may deem reasonable, and shall thereupon consider the case and certify to the Lieutenant-Governor in Council his opinion thereon; and the opinion shall thereupon be forthwith published in the *Ontario Gazette*, and a copy thereof sent to every judge of a county court.

Argument.

5. The Lieutenant-Governor in Council may impose such conditions as may appear reasonable as to a deposit of money or the execution of a bond to Her Majesty to cover costs of any party or otherwise before or upon the transmission of such case to the judge.

Security for costs.

6. The statement of any such case or the hearing or argument or other proceeding thereon under this Act shall not delay the final revision of the assessment roll or other proceedings thereon or the collection of taxes thereunder. The judge may also direct and require notice of the proceeding to be served on any person and that such person may be heard by counsel or personally and he may make such order in the premises and as to costs and the payment thereof as will, in his opinion, do justice to all parties concerned, and any such order may be enforced in the same manner as an order of a judge of the High Court under *The Judicature Act* or otherwise. But any such order, decision or judgment shall not alter, vary or invalidate any assessment or collector's roll made at or before the time the decision, judgment or order shall be made.

Statement of cases not to affect rolls, etc., then being prepared.

Rev. Stat., c. 44.

7. The judge may at any stage of the proceedings refer the case to the full court for hearing and adjudication, and the said court shall have the authority and perform the duties hereinbefore assigned to or conferred upon a judge.

Reference to full court of appeal.

55 V. c. 48,
s. 132,
amended.

6. Section 132 of the said Act is amended by adding the following thereto as sub-sections 2 and 3:—

Collectors of
towns and
villages to pay
to treasurer
weekly.

(2) The collector of every town and village shall pay over to the treasurer of such town or village once every week until the final return of the roll, the total amount collected during the preceding week.

Collector of
township to
pay to
treasurer
every two
weeks.

(3) The collector of every township shall pay over to the treasurer of such township once in every two weeks until the final return of the roll, the total amount collected during the preceding two weeks.

55 V. c. 48,
s. 157,
amended.

7. Section 157 of the said Act is amended by adding there-
to the following sub-section:—

Adding five
per cent. to
taxes in arrear
on 1st May.

(2) In every municipality where by by-law taxes are payable by instalments and five per cent. has been added to such tax by reason of default in payment of any such instalments, the treasurer shall add to any balance remaining unpaid upon the first day of May in each year five per cent. thereon, instead of ten per cent. as hereinbefore in this section provided, or a percentage sufficient to make not less than ten per cent. in all when less than five per cent. has been added in the first instance.

Commence-
ment of Act.

8. This Act shall come into force on the first day of August, 1894, except as to the seventh section thereof, which shall come into force upon the passing hereof, and the said section shall apply to the present year as well as to future years.

CHAPTER 52.

An Act to amend the Act to regulate Travelling on
Public Highways and Bridges.*Assented to 5th May, 1894.*

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 14 of *The Act to regulate Travelling on Public Highways and Bridges* is amended by adding at the end thereof the following proviso:—

Rev. Stat. c.
195, s. 14
amended.

“ Provided, however, that in any case where the offence has
been committed on a road or bridge, owned by a company,
firm or person, and such company, firm or person, or the officer
or servant of such company, firm or person is the complainant,
the fine collected shall be paid over to such company, firm or
person. Proviso.

CHAPTER 53.

An Act to amend The Public Health Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

56 V. c. 44,
s. 5, amended.

1. Section 5 of the *Act to amend The Public Health Act*, being chapter 44 of the Acts passed in the 56th year of the reign of Her Majesty, is amended by inserting after the word “establishment” in the third line thereof the words “and equipment,” and by inserting after the word “establish” in the fifth line thereof the word “equip,” and by inserting after the word “by-law” where it occurs in the tenth and twelfth lines of the said section respectively the words “or by-laws.”

CHAPTER 54.

An Act to amend the Act providing against frauds in the supplying of Milk to Cheese or Butter Manufacturers.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the *Act to provide against frauds in the supplying of Milk to Cheese or Butter Manufacturers* is amended by striking out all of the words of the said section after the word “milk” in the fifth line of the said section, and inserting in lieu thereof the words “without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory what portion of the milk he has so kept back.” 51 V. c. 32.
s. 2, amended.

CHAPTER 55.

An Act respecting Ditches and Watercourses.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as "*The Ditches and Watercourses Act, 1894.*"
- Certain Acts not affected. 2. This Act shall not affect the Acts relating to municipal or government drainage work. Rev. Stat. c. 220, s. 3.
- "Interpretation." 3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—
- "Engineer." "Engineer" shall mean Civil Engineer, Ontario Land Surveyor, or such person as any municipality may deem competent and appoint to carry out the provisions of this Act. See Rev. Stat. c. 220, s. 2 (2).
- "Judge." "Judge" shall mean the senior, junior or acting judge of the county court of the county in which the lands are situated in respect of which the proceedings under this Act are taken.
- "Owner." "Owner" shall mean and include an owner, the executor or executors of an owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney, or a power of attorney authorizing the appointee to manage and lease the lands and a municipal corporation as regards any highways under its jurisdiction.
- "Clear days." "Clear days" shall mean exclusive of the first and last days of any number of days prescribed. 52 V. c. 49, s. 7.
- "Ditch." "Ditch" shall mean and include a drain open or covered wholly or in part and whether in the channel of a natural stream creek or watercourse or not, and also the work and material necessary for bridges, culverts catch-basins and guards.
- "Non-resident." "Non-resident" shall mean a person who does not reside within the municipality in which his lands, affected by proceedings under this Act, are situate.
- "Maintenance." "Maintenance" shall mean and include the preservation of a ditch and keeping it in repair.
- "Construction." "Construction" shall mean the original opening or making of a ditch by artificial means.
- "Written,"
"writing." "Written," "writing," or terms of like import shall include words printed, engraved, lithographed or otherwise traced or copied.

4.—(1) Every municipal council shall name and appoint by Appointment of engineer.
by-law (Form A) one person to be the engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is revoked by by-law and of which he shall have notice and another engineer appointed in his stead, who shall have authority to commence proceedings under this Act or to continue such work as may have been already undertaken. (See Rev. Stat. c. 220, s. 2).

(2) The council of every municipality shall, by by-law, Fees of clerk and engineer.
provide for the payment to the clerk of the municipality of a fair and reasonable remuneration for services performed by him in carrying out the provisions of this Act, and the council shall also, by by-law, fix the charges to be made by the engineer of the municipality for services performed by him under this Act.

(3) Every engineer appointed by a municipal council Oath of engineer.
under this section shall, before entering upon his duties take and subscribe the following oath (or affirmation) and shall file the same with the clerk of the municipality :—

In the matter of *The Ditches and Watercourses Act, 1894.*

I (*name in full*) of the town of _____ in the county of _____, engineer (*or* surveyor) make oath and say, (*or* do solemnly declare and affirm), that I will to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against any owner or owners perform the duties from time to time assigned to me in connection with any work under *The Ditches and Watercourses Act, 1894*, and make a true and just award thereon.

Sworn (*or* solemnly declared and affirmed))
before me at the _____ of _____)
in the county of _____ this _____)
day of _____ A.D. 189 .)

A Commissioner, etc., (*or* Township Clerk, *or* J. P.)

5.—(1) Every ditch to be constructed under this Act shall Limit of work.
be continued to a sufficient outlet, but shall not pass through or into more than seven original township lots exclusive of any part thereof on or across any road allowance, unless the council of any municipality upon the petition of two-thirds of the owners of all the lands to be affected by the ditch shall pass a resolution authorizing the extension thereof through or into any other lots within such municipality, and upon the passing of such resolution the proposed ditch may be extended in pursuance of such resolution, but subject always to the provision of sub-section 2 of this section.

(2)

Limit of cost. (2) Provided nevertheless that no ditch, the whole cost whereof according to the estimate of the engineer or the agreement of the parties will exceed \$1,000, shall be constructed under the provisions of this Act.

What lands to be liable for construction. 6.—(1) The lands, the owners of which may be made liable for the construction of a ditch under this Act, shall be those lying within a distance of seventy-five rods from the sides and point of commencement of the ditch, but the lands through or into which the ditch does not pass and which lands also adjoin any road allowance traversed by the ditch shall not be liable except when directly benefited and then only for the direct benefit.

(2) Provided nevertheless that the council of any county lying east of the county of Frontenac may pass a by-law declaring that within said county the lands lying within a distance of one hundred rods from the sides and point of commencement of the ditch may be made liable instead of seventy-five rods as mentioned in sub-section 1 of this section.

Declaration of ownership. 7. Any owner other than the municipality shall, before commencing proceedings under this Act, file with the clerk of the municipality in which the parcel of land requiring the ditch is situate, a declaration of ownership thereof (Form B) which may be taken before a justice of the peace, a commissioner for taking affidavits, or the clerk of the municipality.

Notice to other owners affected. 8. The owner of any parcel of land who requires the construction of a ditch thereon shall, before filing with the clerk of the municipality the requisition provided for by section 13 of this Act, serve upon the owners or occupants of the other lands to be affected a notice in writing (Form C) signed by him and naming therein a day and hour and also a place convenient to the site of the ditch at which all the owners are to meet and estimate the cost of the ditch, and agree, if possible, upon the apportionment of the work, and supply of material for construction among the several owners according to their respective interests therein, and settle the proportions in which the ditch shall be maintained, and the notices shall be served not less than twelve clear days before the time named therein for meeting. (*See Rev. Stat. c. 220, s. 5, part.*)

Form of agreement—filing. 9.—(1) If an agreement is arrived at by the owners, as in the next preceding section is provided, it shall be reduced to writing (Form D), and signed by all the owners, and shall within six days after the signing thereof be filed with the clerk of the municipality in which the parcel of land the owner of which requires the ditch is situate; but should the lands affected lie in two or more municipalities the agreement shall be in as many numbers as there are municipalities and filed as aforesaid with their respective clerks; and the agreement may be enforced in the like manner as an award of the engineer as hereinafter provided. (*See Rev. Stat. c. 220, s. 5, part.*)

(2) It shall be the duty of the municipality to keep printed copies of all the forms required by this Act.

10. No proceedings taken or agreement made and entered into under the provisions of sections 8 and 9 of this Act shall in any case for want of strict compliance with such provisions be void or invalidate any subsequent proceedings under this Act, provided the notices required by section 8 of this Act have been duly served, and any such agreement may with the consent in writing of the parties thereto (which consent shall be filed in the same manner as the agreement), or by order of any court, or of the judge on an appeal under this Act, be amended so as to cause the same to conform to the provisions of this Act.

Informalities not to invalidate proceedings.

11. If at or before the meeting of owners provided for in section 9 of this Act, it shall appear that any notice required by section 8 has not been served, or has not been served in time, or duly served, the owners present at such meeting may adjourn the same to some subsequent day in order to allow the necessary notices to be duly served, and such adjourned meeting shall, if such notices have been given and served as provided by section 8, be a sufficient compliance with the provisions of this Act.

Adjourning meeting for purpose of adding parties.

12. The reeve or other head of the municipal council of any municipality shall have power on behalf of the municipal council thereof to sign the agreement aforesaid, and his signature shall be binding upon the corporation.

Reeve to sign on behalf of municipality interested.

13. In case an agreement as aforesaid is not arrived at by the owners at the said meeting or within five days thereafter, then the owner requiring the ditch may file with the clerk of the municipality in which such parcel is situate, a requisition (Form E), naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof, and requesting that the engineer appointed by the municipality under this Act be asked to appoint a time and place in the locality of the proposed ditch at which the said engineer will attend to make an examination as hereinafter provided. (See Rev. Stat. c. 220, s. 6, *part.*)

Requisition for appointment by engineer when no agreement arrived at.

14. The clerk, upon receiving the requisition, shall forthwith enclose a copy thereof in a registered letter to the engineer; and on the receipt of the same by the engineer he shall notify the clerk in writing, appointing a time and place at which he will attend in answer to the requisition, which time shall be not less than ten nor more than sixteen clear days from the day on which he received the copy of the requisition; and on the receipt of the notice of appointment from the engineer the clerk shall file the same with the requisition and shall forthwith send, by registered letter, a copy of the notice of

Notice to engineer and notice of appointment made by engineer.

of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice (Form F), requiring their attendance at the time and place fixed by the engineer, and shall, after serving such notice, endorse on one copy thereof the time and manner of service and leave the same with the endorsements thereon with the engineer not later than the day before the time fixed in the notice of appointment. (*See Rev. Stat. c. 220, ss. 6, 8 part; 52 V. c. 49, ss. 1, 2.*)

Mode of serving notices.

15.—(1) Notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to the owner at the post office nearest to his last known place of residence, and where that is not known, then he may be served in such manner as the judge may direct. (*See Rev. Stat. c. 220, s. 19 (1).*)

Occupant to notify owner.

(2) Any occupant not the owner of the land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. *Rev. Stat. c. 220, s. 7.*

Examination by engineer.

16.—(1) The engineer shall attend at the time and place appointed by him in answer to the requisition, and shall examine the locality, and if he deem it proper, or if requested by any of the owners, may examine the owners and their witnesses present, and take their evidence, and may administer an oath or affirmation to any owner or witness examined by him. If upon examining the locality the engineer is of opinion that the lands of owners upon whom notice has not been served will be affected by the ditch, he shall direct that the notice required by section 14 shall be served on such owners by the owner making the requisition and shall adjourn the proceedings to the day named in the notice for continuing the same for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence.

(2) The engineer may adjourn his examination and the hearing of evidence from time to time, and if he shall find that the ditch is required he shall, within thirty days after his first attendance make his award in writing (Form G), specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners, so that as far as practicable each owner shall maintain the portion on his own land; and stating the amount
of

of his fees and the other charges and by whom the same shall be paid. (*See Rev. Stat. c. 220, s. 8 (1).*)

(3) In any case where a ditch is to be covered, the engineer shall in his award specify the kind of material to be used in the covered portion of such ditch.

17. Should the engineer be of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is necessary or not, as the case may be, to construct the ditch across or into his land, he may, by his award, relieve such owner from performing any part of the work of the ditch and place its construction on the other owners; and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be considered a trespasser while causing no unnecessary damage, and he shall replace any fences opened or removed by him. (*See Rev. Stat. c. 220, s. 9 (1).*)

Engineer may order opening of ditch across land of a person not benefited.

18. The engineer shall forthwith, after making his award as hereinbefore provided, file the same, and any plan, profile or specifications of the ditch with the clerk of the municipality in which the land requiring the ditch is situate, but should the lands affected lie in two or more municipalities, the award and any plan, profile or specifications shall be filed by the engineer with the clerk of each municipality, and may be given in evidence in any legal proceedings by certified copy, as are other official documents; and the clerk of the municipality, or of each of the municipalities, shall forthwith upon the filing of the award, notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and the portion of work to be done and material furnished by the person notified as shown by the award, and the clerk shall keep a book in which he shall record the names of the parties to whom he has sent notice, the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served. (*See Rev. Stat. c. 220, s. 10.*)

Filing award, notice to persons affected.

19. If the lands affected by the ditch are situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced shall have full power and authority to continue the ditch into or through so much of the lands in any other municipality as may be found necessary, but within the limit of length as hereinbefore provided, and all proceedings authorized under the provisions of this Act shall be taken and carried on in the municipality where commenced. (*See Rev. Stat. c. 220, s. 26, part.*)

Powers of engineer of municipality in which proceedings commenced.

20. In every case where lands or roads in two or more municipalities are affected the clerk of the municipality in which proceedings were commenced shall forward to the clerk of each of the other municipalities a certified copy of every certificate

Certificates relating to lands or roads in adjoining municipalities.

certificate affecting or relating to lands or roads therein respectively, and the municipal council thereof shall pay the sum for which lands and roads within its limits are liable to the treasurer of the municipality in which proceedings were commenced, and unless the amounts are paid within fourteen days after demand in writing by the parties declared by the certificate liable to pay the same, such council shall have power to take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on within its own limits. (*See Rev. Stat. c. 220, s. 26, part.*)

Culverts, etc.,
on railway
lands.

21.—(1) The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any ditch or culvert on the lands of such railway company, and for the payment of the cost of such work after completion out of the general funds of the municipality, and the council shall have power to assess and levy the amount so paid exclusive of any part thereof for which the municipality may be liable under the award, in the same manner as taxes are levied upon the lands mentioned in the award and in the relative proportions of the estimated cost of the work to be done and materials furnished by the respective owners in the construction of such ditch or as to him may seem just; and such assessment shall in every case be determined by a supplementary award made by the engineer, and subject to appeal to the judge in the same manner as other awards made under this Act.

(2) No agreement with a railway company shall be entered into by a municipal council under this section which will impose a special liability on the owners without the consent in writing, filed with the clerk of the municipality, of two-thirds of the owners liable for the construction of the ditch in respect to which such work on railway lands is to be undertaken.

(3) The cost of any such work on railway lands shall be exclusive of the sum fixed as the limit of the cost of the work imposed by section 5 of this Act.

Appeals from
award to
county judge.

22.—(1) Any owner dissatisfied with the award of the engineer, and affected thereby, may, within fifteen clear days from the filing thereof, appeal therefrom to the judge, and the proceedings on the appeal shall be as hereinafter provided. (*See Rev. Stat. c. 220, s. 11, part.*)

Notice of
appeal.

(2) The appellants shall serve upon the clerk of the municipality in which proceedings for the ditch were initiated, a notice in writing of his intention to appeal from the award, shortly setting forth therein the grounds of appeal. (*See Rev. Stat., c. 220, s. 11 (1).*)

Clerk to notify
judge and
judge to fix
time and place
for hearing.

(3) The clerk, in the next preceding sub-section mentioned, shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of the notice or notices of appeal

appeal and a certified copy of the award, and also the plans and specifications (if any) to the judge, who shall forthwith upon the receipt of the registered letter, or documents aforesaid, notify the clerk of the time he appoints for the hearing thereof, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which proceedings for the ditch were initiated, unless the judge for the greater convenience of the parties and to save expense shall fix some other place for the hearing. The judge may if he think proper order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal; and the clerk upon receiving notice from the judge, shall forthwith notify the engineer whose award is appealed against, and all parties interested, in the manner provided for the service of notices under this Act. (*See Rev. Stat. c. 220, s. 11 (2), (3); 51 V., c. 35, s. 2.*)

(4) Any appellant may have the lands and premises inspected by any other engineer or person who, for such purposes, may enter upon such lands and premises, but shall do no unnecessary damage. (*See 53 V., c. 68, s. 1.*)

Inspection of premises by another engineer.

(5) The clerk of the municipality to whom notice of appeal is given shall be the clerk of the court, and shall record the proceedings.

Clerk of the court.

(6) It shall be the duty of the judge to hear and determine the appeal or appeals within two months after receiving notice thereof from the clerk of the municipality as hereinbefore provided. (*See Rev. Stat., c. 220, s. 11 (5).*)

Judge to hear and determine within two months.

(7) The judge on appeal may set aside, alter or affirm the award and correct any errors therein; he may examine parties and witnesses on oath, and may inspect the premises and may require the engineer to accompany him; and should the award be affirmed or altered, the costs of appeal shall be in his discretion, but if set aside he shall have power to provide for the payment of the costs in the award mentioned, and also the costs of appeal, and may order the payment thereof by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs.

Powers of judge on appeal.

(8) In case the judge on an appeal finds that the engineer has through partiality or from some other improper motive, knowingly and wilfully favoured unduly any one or more of the parties to the proceedings, he may direct that the engineer be deprived of all fees in respect to the award or of such part thereof as the judge may deem proper. But such order shall not deprive any party to the proceedings of any remedy he may otherwise have against the engineer.

Depriving engineer of fees when guilty of misconduct.

(9) The judge shall be entitled to charge for holding court for the trial of appeals under this Act, and for the inspection of the premises the sum of five dollars a day, which charge shall be considered part of the costs of appeal under the provisions of the next preceding sub-section.

Fees and disbursements of judge.

Enforcement
of award as
amended.

(10) The award as so altered or affirmed shall be certified by the clerk together with the costs ordered, and by whom to be paid, and shall be enforced in the same manner as the award of the engineer, and the time for the performance of its requirements shall be computed from the date of such judgment in appeal; and the clerk shall immediately after the hearing, send by registered letter, to the clerk of any other municipality in which lands affected by the ditch are situate, a certified copy of the changes made in the award by the judge, which copy shall be filed with the award, and each clerk shall forthwith by registered letter notify every owner within his municipality of any change made by the judge in the portion of work and material assigned to such owner. *See Rev. Stat., c. 220, s. 11 (6).*

Judge may
amend or refer
back award.

23. No award made by an engineer under this Act shall be set aside by the judge for want of form only or on account of want of strict compliance with the provisions of this Act, and the judge shall have power to amend the award or other proceedings, and may in any case refer back the award to the engineer with such directions as may be necessary to carry out the provisions of this Act.

When award
to be binding
notwithstanding
defects.

24. Every award made under the provisions of this Act shall after the lapse of the time hereinbefore limited for appeal to the judge, and after the determination of appeals, if any, by him, where the award is affirmed, be valid and binding to all intents and purposes notwithstanding any defect in form or substance either in the award or in any of the proceedings relating to the works to be done thereunder taken under the provisions of this Act.

Powers of
judge as to
taking evi-
dence.

25. In all appeals under this Act from the engineer's award the judge shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties and other persons as belong to or might be exercised by him in the division court or in the county court. (*See Rev. Stat., c. 220, s. 12.*)

Clerk may is-
sue subpoenas.

26.—(1) Upon any appeal to a judge under this Act, the clerk of the municipality shall have the like powers as the clerk of a division court as to the issuing of subpoenas to witnesses upon the application of any party to the proceedings, or upon an order of the judge for the attendance of any person as a witness before him.

Witness fees.

(2) The fees to be allowed to witnesses upon an appeal under this Act shall be upon the scale of fees allowed to witnesses in any action in the division court.

Municipalities
to pay costs,
etc., and
collect same
from persons
liable.

27. The municipality or each of the municipalities shall within ten days after the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer and judge and all other persons entitled to the same, their charges and fees

or the portion thereof awarded or adjudged to be paid by the owners therein, and shall, if the same be not forthwith repaid by the persons awarded or adjudged to pay the same, cause the amount, with seven per cent. added thereto, to be placed upon the collector's roll as a charge against the lands of the person so in default, and the same shall thereupon become a charge upon such lands, and shall be collected in the same manner as municipal taxes. (*See Rev. Stat., c. 220, s. 14.*)

28.—(1) The engineer at the expiration of the time limited by the award for the completion of the ditch, shall inspect the same if required in writing so to do by any of the owners interested, and if he finds the ditch or any part thereof not completed in accordance with the award, he may let the work and supply of material to the lowest bidder giving security in favour of the municipality by which he was appointed, and approved by the engineer, for the due performance thereof within a limited time, but no such letting shall take place:—

Letting work on non-compliance with award.

(a) Until notice in writing of the intended letting has been posted up, in at least three conspicuous places in the neighbourhood of the place at which the work is to be done, for four clear days.

(b) And until after four days from the sending of the notice by registered letter, to the last-known address of such persons interested in the said award as do not reside in said municipality or municipalities, as the case may be.

(2) If, however, the engineer is satisfied of the good faith of the person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance. (*See Rev. Stat., c. 220 s. 15.*)

Extension of time for compliance.

(3) Any owner in default, supplying the material and doing the work after proceedings are begun to let the same, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land, and if not paid by him on notice, the council shall pay the same on the certificate of the engineer, and shall cause the amount with seven per cent. added thereto to be placed on the collector's roll against the lands of the person in default to be collected in the same manner as municipal taxes.

Liability of person in default of doing work after proceedings begun.

(4) The engineer may let the work and supply of material or any part thereof, by the award directed, a second time or oftener, if it becomes necessary in order to secure its performance and completion. (*52 V., c. 49, s. 3.*)

Power to re-let.

29. The engineer shall, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, as in the next preceding section mentioned, inspect the same, and shall if he find the material furnished

Certificates of engineer upon completion or work let.

furnished and the work completed, certify the same in writing, (Form H,) stating the name of the contractor, the amount payable to him, the fees and charges which the engineer is entitled to for his services rendered necessary by reason of the non-performance, and by whom the same are to be paid. (*See Rev. Stat., c. 220, s. 16.*)

Payment of
amounts
named in
certificate of
engineer.

30. The council shall at their meeting next after the filing of the certificate or certificates as in the next preceding section mentioned, pay the sums therein set forth to the persons therein named, and unless the owners within the municipality upon notice pay the sums for which they are thereby made liable, the council shall have power to cause the amount each owner is liable for, together with seven per cent. added thereto, to be placed upon the collector's roll, and the same shall thereupon become a charge against his lands, and shall be collected in the same manner as municipal taxes. (*See Rev. Stat., c. 220, s. 18.*)

Letting
contracts for
rock-cutting
or blasting.

31.—(1) If it appear to the engineer that rock-cutting or blasting is required, the engineer may cause the work of cutting or blasting and removing the rock to be done by letting the same out to public competition by tender or otherwise, instead of requiring each owner benefited to do his share of the work; and the engineer shall, by his award, determine the fractional part of the whole cost which shall be paid by each of the owners benefited, and upon completion of the rock-cutting or blasting and removal, shall certify to the clerk of the municipality by which he was appointed, the total cost thereof including his fees and charges, and the said clerk, and the clerk of any other municipality affected shall notify all the owners liable to contribute under the award, within their respective municipalities of the said total cost and the part to be paid by him, and unless forthwith paid, the same with seven per cent. added thereto shall be placed on the collector's roll of the municipality in which his lands are situate, and the same shall thereupon become a charge against the land of the owners so liable, and shall be collected in the same manner as municipal taxes. (*See Rev. Stat. c. 220, s. 9 (1).*)

Payment of
contractor
and engineer.

(2) It shall be the duty of the municipality in which proceedings for the work were commenced, through the treasurer thereof, to pay the contractor for the rock-cutting or blasting and removal as soon as done to the satisfaction and upon the certificates of the engineer, and also to pay the fees and charges of the engineer in connection therewith. (*See Rev. Stat., c. 220, s. 13.*)

Owners desir-
ing to avail
themselves of
ditch after
construction.

32. In case any owner during or after the construction of a ditch desires to avail himself of such ditch for the purpose of draining other lands than those contemplated by the original proceedings he may avail himself of the provisions of this Act, as if he were an owner requiring the construction of a ditch

ditch; but no owner shall make use of a ditch after construction, unless under an agreement or award, pursuant to the provisions of this Act. (*See Rev. Stat., c. 220, s. 25.*)

33. This Act shall apply to the deepening, widening or covering of any ditch already or hereafter constructed, and the proceedings to be taken for procuring such deepening, widening or covering, shall be the same as the proceedings to be taken for the construction of a ditch under the provisions of this Act, but in no case shall a ditch be covered, unless when covered it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it as well as for the water from all the lands made liable for the construction thereof. (*See Rev. Stat. c. 220, s. 28.*)

Deepening,
widening or
covering
ditch.

34. The maintenance of any ditch, whether covered or open, constructed, or of any creek or watercourse that has been deepened or widened, under the provisions of *The Ditches and Water Courses Act*, being chapter 199 of the Revised Statutes of Ontario 1877; *The Ditches and Watercourses Act, 1883*, being chapter 27 of the Acts passed in the 46th year of Her Majesty's reign; or *The Ditches and Watercourses Act*, being chapter 220 of the Revised Statutes of Ontario, 1887, or constructed, deepened, widened or covered under this Act, shall be performed by the respective owners, in such proportion as is provided in the original or any subsequent award; and the manner of enforcing the same, shall be as hereinafter provided (*See 52 V. c. 49, s. 6.*)

Maintenance
of ditches
heretofore or
hereafter con-
structed.
Rev. Stat. c.
199; 46 V., c.
27; Rev. Stat.
220.

35.—(1) If any owner whose duty it is to maintain any portion of a ditch, shall neglect to maintain the same in the manner provided by the award, any of the owners parties to the award whose lands are affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice; and if the repairs are not made and completed within thirty days, the owner giving the notice, may notify the engineer, in writing, to inspect the portion complained of.

Enforcing
maintenance.

(2) The inspection by the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as hereinbefore provided in case of non-completion of the construction of a ditch; but should the engineer find no cause of complaint he shall certify the same with the amount of his fees and charges to the owner who complained and also to the clerk of the municipality, and the owner who made complaint, shall pay the fees and charges of the engineer, and if not forthwith paid by him, the same shall be charged and collected in the same manner as is provided for by this Act, in the case of other certificates of the engineer.

(3) Any owner interested in or affected by any ditch heretofore or hereafter constructed, which has not been constructed under any of the Acts mentioned in section 34 of this Act, nor under this Act, nor under any Act relating to the construction of drainage work by local assessment, may take proceedings for the deepening, widening, extending, covering or repair of such ditch in the same manner as for the construction of a ditch under this Act; provided always that the extent of the work and costs thereof and assessment therefor shall not exceed the limitations imposed by sections 5 and 6 of this Act.

Reconsideration of agreement or award.

36. Any owner party to the award whose lands are affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses, may, at any time after the expiration of two years from the completion of the construction thereof, or in case of a covered drain at any time after the expiration of one year, take proceedings for the reconsideration of the agreement or award under which it was constructed, and in every such case he shall take the same proceedings, and in the same form and manner, as are hereinbefore provided in the case of the construction of a ditch.

Penalty for engineer failing to inspect.

37. Any engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall be liable to a fine of not less than \$5 or more than \$10, to be recovered with costs on complaint made before a Justice of the Peace having jurisdiction in the matter, and in default of payment the same shall be recoverable by distress, and every such fine shall be paid over to the treasurer of the municipality in which the offence arose. (*See Rev. Stat. c. 220. s. 17.*)

Actions for mandamus, etc., not to lie.

38. No action, suit or other proceeding shall lie or be had or taken for a mandamus or other order to enforce or compel the performance of an award or completion of a ditch made under this Act, but the same shall be enforced in the manner provided for by this Act. (*See 52 V. c. 49. s. 4.*)

Act substituted for Rev. Stat. c. 220, 51 V. c. 35; 52 V. c. 49; 53 V. c. 68, and inconsistent enactments repealed.

39. This Act is substituted for *The Ditches and Watercourses Act* as amended by the Act passed in the 51st year of Her Majesty's reign chaptered 35, by *The Ditches and Watercourses Amendment Act, 1889*, and the Act passed in the 53rd year of Her Majesty's reign chaptered 68, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Use of forms.

40. In carrying into effect the provisions of this Act, the forms set forth in the schedule hereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule.

41. Nothing in this Act contained shall repeal, alter or affect the Act passed in the 53rd year of Her Majesty's reign, chaptered 69, intituled *An Act to amend the Ditches and Watercourses Act as applied to Railways*, and the Act in amendment thereof passed in the 54th year of Her Majesty's reign and chaptered 50.

53 V. c. 69,
and 54 V. c.
50, not affected
by Act.

42. Nothing in this Act contained shall be taken or deemed to affect the validity of anything heretofore done or any liability incurred, nor the disposal of the costs in any action or other proceeding now pending under any former Act relating to ditches and watercourses.

Things done
under former
Acts—costs of
pending
actions.

SCHEDULE.

FORM "A."

(Section 4.)

BY-LAW FOR APPOINTMENT OF ENGINEER.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act, 1894*.

	Finally passed	189
The municipal council of the	of	in the
county of	enacts as follows :	

1. Pursuant to the provisions of section 4 of *The Ditches and Watercourses Act, 1894*,
 of the town (or township of) (name of person)
 in the county of
 is hereby appointed as the engineer for this municipality to carry out the provisions of the said Act.

2. The said engineer shall be paid the following fees for services rendered under the said Act (or as the case may be).

3. This by-law shall take effect from and after the final passing thereof.

Reeve.

Clerk.

[L.S.]

FORM "B."

(Section 7.)

DECLARATION OF OWNERSHIP.

In the matter of *The Ditches and Watercourses Act, 1894*,
and of a ditch in the township (or as the case may be) of
in the county of

I of the of in the county of
do solemnly declare and affirm that I am the owner within
the meaning of *The Ditches and Watercourses Act, 1894*,
of lot (or the sub-division of the lot, naming it) number
in the concession of the township of , being
(describe the nature of ownership).

Solemnly declared and affirmed)
before me at the of)
in the county of)
A.D. 189 .

a Commissioner.
(J. P. or clerk.)

FORM "C."

(Section 8.)

NOTICE TO OWNERS OF LANDS AFFECTED BY PROPOSED DITCH

To

Township of , (date) 189 .

Sir,

I am within the meaning of *The Ditches and Watercourses Act, 1894*, the owner of lot (or the sub-division, as in the declaration) number in the concession of , and as such owner I require a ditch to be constructed (or if for reconsideration of agreement or award to deepen, widen or otherwise improve the ditch, state the object) for the draining of my said land under the said Act. The following other lands will be affected: (here set out the other parcels of land, lot, concession, and township and the name of the owner in each case; also each road and the municipality controlling it.)

I hereby request that you, as owner of the said (state his land), will attend at (state place of meeting), on , the day of , 189 , at the hour of o'clock in the noon, with the object of agreeing, if possible, on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Yours, etc.,

(Name of owner.)

(See Rev. Stat., c. 220, Form B.)

FORM

FORM "D."

(Section 9.)

AGREEMENT BY OWNERS.

Township of (date) 189

Whereas it is found necessary that a ditch should be constructed (*or deepened, or widened, or otherwise improved*) under the provisions of *The Ditches and Watercourses Act, 1894*, for the draining of the following lands (and roads *if any*): (*here describe each parcel and give name of owner as in the notice, including the applicant's own land, lot, concession and township, and also roads and by whom controlled.*)

Therefore we the owners within the meaning of the said Act of the said lands (*and if roads proceed and the reeve of the said municipality on behalf of the council thereof*) do agree each with the other as follows: That a ditch be constructed (*or as the case may be*) and we do hereby estimate the cost thereof at the sum of \$, and the ditch shall be of the following description: (*here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch basins, etc., required.*) I owner of (*describe his lands*) agree to (*here give portion of work to be done, or material to be supplied*) and to complete the performance thereof on or before the day of A.D., 189 . I owner of etc., (*as above, to the end of the ditch*).

That the ditch when constructed shall be maintained as follows: I owner of (*describe his lands*) agree to maintain the portion of ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*), I, owner of (*describe his lands*) agree to maintain, etc., (*as above, to the end of the ditch*).

Signed in presence of } (*Signed by the parties here.*)

(See Rev. Stat., c. 220, Form A.)

FORM "E."

(Section 13).

REQUISITION FOR EXAMINATION BY ENGINEER.

Township of (date) 189

To (name of clerk).

Clerk of

(P.O. address).

SIR,—I am, within the meaning of *The Ditches and Watercourses Act, 1894*, the owner of lot (or sub-division as in the declaration), number , in the concession of and as such I require to construct (deepen, widen or otherwise improve as needed,) a ditch under the provisions of the said Act, for the draining of my said land, and the following lands and roads will be affected: (*here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality for the purposes of the said Act, be asked to appoint a time and place in the locality of the proposed ditch, at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award under the provisions of the said Act.

(Signed by the party or parties).

See Rev. Stat. c. 220, Form C.)

FORM "F."

(Section 14.)

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

Township of (date) 189

To (Name of owner).

(P. O. Address).

SIR,—You are hereby notified that the engineer appointed by the municipality for the purposes of *The Ditches and Watercourses Act, 1894*, has, in answer to my requisition, fixed the hour of o'clock in the noon of day, the day of to attend at (name the place appointed) and to examine the premises and site of the ditch required by me to be constructed under the provisions of the said Act (or as the case may be) and you, as the owner of lands affected, are required to attend, with any witnesses that you may desire to have heard, at the said time and place.

Yours, etc.

(Signature of applicant)

(See Rev. Stat. c. 220, Form D.)

FORM

FORM "G."

(Section 16.)

AWARD OF ENGINEER.

I, _____ the engineer appointed by the municipality of the _____ of _____ in the county of _____ under the provisions of *The Ditches and Watercourses Act, 1894*, having been required so to do by the requisition of _____ owner of lot number _____ in the _____ concession of the township of _____ (*describe as in requisition*), filed with the clerk of said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other land (*and roads*) would be affected;—(*here set out the other parcels of lands or roads affected as in the requisition*), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the parties and their witnesses *if such be the case*) find that the ditch (*or the deepening or widening of a ditch*) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows:—

(*Here describe the ditch as to all above particulars.*)

The said work will affect the following lands:—(*here set forth the other lands and their respective owners.*) I do therefore award and apportion the work and the furnishing of material among the lands affected and the owners thereof according to my estimate of their respective interests in the said work as follows:—

(*Name of owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the material (*state what material*) all of which, according to my estimate, will amount in value to \$ _____, and I fix the time for the performance of such work, and providing such material on the _____ day of A.D. 189 _____, at furthest.

2. (*Name of owner and description of his land and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows:—

1. (*Name of owner and description of his land*) shall maintain (*here fix the point and commencement and ending of his portion.*)

2. (*Name of owner, etc., as above.*)

My fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*) amounting in all to \$ _____, which shall be born and paid as follows:—(*state by whom and by what lands respectively.*)

Dated this _____ day of _____

A.D. 189 _____

Witness, _____

}

(*Signature of Engineer.*)

(See Rev. Stat. c. 220, Form E.)

FORM

FORM "H."

(Section 29.)

CERTIFICATE OF ENGINEER.

To

Clerk of the of

I hereby certify that _____ has furnished the material and completed the work (*as the case may be*) which under my award made in accordance with the provisions of *The Ditches and Watercourses Act, 1894*, and dated the _____ day of _____ A.D. 189____, one _____ owner of lot number (*describe his land giving township or otherwise*) was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said _____ for the sum of \$ _____, and as he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (*give items*) \$ _____, and said amount payable to the said contractor and the said fees and charges are chargeable on (*describe property to be charged therewith*) under the provisions of *The Ditches and Watercourses Act, 1894*, unless forthwith paid.

Dated this _____ day of _____ A.D. 189____,
(*Signature of Engineer.*)

Engineer for

(See Rev. Stat. c. 220, Form F.)

CHAPTER 56.

An Act to consolidate and amend the Drainage Laws.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

. This Act may be cited as "*The Drainage Act, 1894.*" Short title.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation

(1) "Construction" shall mean the original opening, making, excavating or completing of drainage work; "Construction."

(2) "Initiating Municipality" shall mean the municipality undertaking the construction of any drainage work to which this Act applies; "Initiating Municipality."

(3) "Maintenance" shall mean the preservation and keeping in repair of a drainage work; "Maintenance."

(4) "Sufficient outlet" shall mean the safe discharge of water at a point where it will do no injury to lands or roads; "Sufficient outlet."

(5) "Owner" or "actual owner" shall include the executor or administrator of an owner's estate, the guardian of an infant owner, any person entitled to sell and convey the land, an agent of an owner under a general power of attorney, or under a power of attorney empowering him to deal with lands, and a municipal corporation as regards highways under their jurisdiction. "Own
"actu
owner."

(6) "Relief" shall mean relieving from liability for causing water to flow upon and injure lands or roads; "Relief."

(7) "Court of revision" shall mean a court of revision constituted under the provisions of this Act, for the trial of complaints respecting assessments for drainage work; "Court of Revision."

(8) "County judge," "judge" shall mean the senior, junior, or acting judge of a county court to whom appeals lie under the provisions of this Act from a court of revision, but shall not include a deputy judge; "County Judge."

(9) "Referee" shall mean the referee appointed under the provisions of *The Drainage Trials Act, 1891*, or of this Act, for the trial of disputes under the drainage laws of the Province "Referee."

in
ce

"Reference. ince of Ontario; and "reference" shall mean a reference or transfer to the said referee under the provisions of this Act. See 55 V. c. 42 s. 568a.

"Municipality."

(10) "Municipality" shall not include a county municipality.

CONSTRUCTION OF DRAINAGE WORK.

What work may be undertaken on petition.

3.—(1) Upon the petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll to be the owners of the lands to be benefited in any described area within any township, incorporated village, town or city, to the municipal council thereof, for the draining of the area described in the petition by means of drainage work, that is to say, the construction of a drain or drains, the deepening, straightening, widening, clearing of obstructions, or otherwise improving any stream, creek or watercourse, the lowering the waters of any lake or pond, or by any or all of said means as may be set forth in the petition, the council may procure an engineer or Ontario Land Surveyor to make an examination of the area to be drained, the stream, creek or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved, or the lake or pond, the waters of which are to be lowered, according to the prayer of the petition, and to prepare a report, plans, specifications and estimates of the drainage work, and to make an assessment of the lands and roads within said area to be benefited and of any other lands and roads liable to be assessed as hereinafter provided, stating as nearly as may be, in his opinion, the proportion of the cost of the work to be paid by every road and lot or portion of lot for benefit, and for outlet liability and relief from injuring liability as hereinafter defined. See 55 V. c. 42, s. 569.

Council to order examination and report by engineer.

When work requires pumping, embanking, etc.

(2) The provisions of the next preceding sub-section and of all sections of this Act applicable thereto, shall apply and extend to every case where the drainage work can only be effectually executed by embanking, pumping or other mechanical operations, but in every such case the municipal council shall not proceed except upon the petition of at least two thirds of the owners of lands within the area described according to the said sub-section. See 55 V. c. 42, s. 569 (8).

When lands may be assessed by engineer for "injuring liability."

(3) If from the lands or roads of any municipality, company or individual, water is by any means caused to flow upon and injure the lands or roads of any other municipality, company or individual, the lands and roads from which the water is so caused to flow may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work required for relieving the injured lands or roads from such water, and to the extent of the cost of the work necessary for their relief, as may be determined by the engineer or surveyor, court of revision,

revision, county judge, or referee; and such assessment may be termed "injuring liability;" the owners of the lands or roads thus made liable for assessment shall neither count for nor against the petition required by sub-section 1, of this section unless within the area therein described. *See* 55 V. c. 42, s. 590.

(4) The lands and roads of any municipality, company or individual using any drainage work as an outlet, or for which when the work is constructed, an improved outlet is thereby provided, either directly or through the medium of any other drainage work or of a swale, ravine, creek or watercourse, may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work so used as an outlet or providing an improved outlet, and to the extent of the cost of the work necessary for any such outlet, as may be determined by the engineer or surveyor, court of revision, county judge or referee; and such assessment may be termed "outlet liability;" the owners of the lands and roads thus made liable to assessment shall neither count for nor against the petition required by sub-section 1 of this section, unless within the area therein described. *See* 55 V. c. 42, s. 590.

When lands may be assessed "outlet for liability."

(5) The assessment for injuring liability and outlet liability provided for in the two next preceding sub-sections shall be based upon the volume, and shall also have regard to the speed, of the water artificially caused to flow upon the injured lands or into the drainage work from the lands and roads liable for such assessments. *See* 55 V. c. 42, s. 590.

Basis of assessment for outlet and injuring liability.

PETITION FOR CONSTRUCTION.

4. The petition shall be in the form or to the effect following:

Form of petition.

The petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll of the township of _____ in the county of _____ to be the owners of the lands to be benefited within said township, and hereinafter described, sheweth as follows:—

Your petitioners request that the area of land within the said township and being described as follows: that is to say, lots numbered 1 to 10 inclusive in the first concession; lots lettered A to H inclusive in the second concession; north-west halves of lots numbered 4 to 12 inclusive in the third concession, side-road between lots numbered 7 and 8 in the first concession, and the road allowance between concessions 1 and 2 and between 2 and 3 (*as the case may be, or describing the area by metes and bounds*), may be drained by means of:—

1. A drain or drains.

2. Deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse, known as (*name or other general designation*).

3.

3. Lowering the water of lake or the pond known as (name or other general designation), (or by any or all of said means.)

And your petitioners will ever pray :—

DUTIES OF ENGINEER OR SURVEYOR.

Oath of engineer or surveyor.

5. Any engineer or surveyor employed or appointed by any municipal council to perform any work under the provisions of this Act, including the assessment of real property for the purpose of drainage work shall, before entering upon his duty, take and subscribe the following oath (or affirmation) before the clerk of the municipality, a justice of the peace or a commissioner for taking affidavits and shall leave the same with, or send it by registered letter to the clerk of the municipality.

In the matter of the proposed drainage work (or as the case may be) in the township of (name).

I (name in full) of the town of in the county of Engineer (or Surveyor) make oath and say, (or do solemnly declare and affirm):

That I will, to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against any owner or owners, perform the duty assigned to me in connection with the above work and make a true report thereon.

Sworn (or solemnly declared and affirmed) }
before me at the of }
in the county of this }
day of A.D. 189 }

A Commissioner, etc. (or Township Clerk, or J. P.)
See 55 V., c. 42, s. 569 (7).

Assessment of whole lot or sub-division.

6. The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but may place such assessment on the quarter, half or whole lot containing the part affected as the case may be, if the owner of such part is also the owner of such lot or other said sub-division. See 55 V., c. 42, s. 569 (6).

Assessment may be shown in money.

7. The assessment upon any lands or roads for any drainage work may be shown by the engineer or surveyor placing sums of money opposite the lands or roads, and it shall not be necessary to insert the fractional part of the whole cost to be borne by the lands or roads. See 55 V., c. 42, s. 569 (7).

Plans, specifications and estimates.

8. The engineer or surveyor, when required by the council, shall make plans, specifications and detailed estimates of the drainage work to be constructed and charge the same to the work as part of its cost. See 55 V., c. 42, s. 578.

9.—(1)

9.—(1) The engineer or surveyor shall in his report and estimates provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage work rendered necessary by such work crossing any public highway or the travelled portion thereof; and he shall in his assessment apportion the cost of bridges and culverts between the drainage work and the municipality or municipalities having jurisdiction over such public highway as to him may seem just. Bridges and culverts on highways.

(2) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion of any public highway, and he shall include the cost of the construction or enlargement of such bridges in his assessment for the construction of the drainage work, and they shall, for the purposes of construction and maintenance, be deemed part of the drainage work. Bridges between highways and private lands.

(3) The engineer or surveyor shall in the same manner provide for the construction or enlargement of bridges rendered necessary by the drainage work upon the lands of any owner, and shall fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto, but the land assessed for the drainage work shall not nor shall any municipal corporation be liable for keeping such bridges in repair. Farm bridges.

(4) The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any private ditch or drain, or any ditch constructed under any Act respecting ditches or watercourses which may be incorporated in whole or in part into such drainage work or used therewith. Allowing for private ditches, etc.

(5) The engineer or surveyor shall further in his report determine in what manner the material taken from any drainage work, either in the construction or repair thereof, shall be disposed of, and the amount to be paid to the respective persons entitled for damages to lands and crops (if any) occasioned thereby, and shall include such sums in his estimates of the cost of the drainage work or the repairs. Disposal of material taken from drainage work.

(6) Any owner of lands affected by the drainage work, if dissatisfied with the report of the engineer in respect of any of the provisions of the next preceding sub-section, may appeal therefrom to the referee, and in every such case the notice of appeal shall be served upon the head of the council of the initiating municipality and the clerk thereof within 10 days after the adoption of the engineer's report by the council, and the further proceedings on such appeal shall be as herein-after provided in other cases of appeals to the referee. The referee, on an appeal under this sub-section, may make such order as to him shall seem just, and his decision shall be final. Appeal to referee.

Spreading earth and removing timber on road allowances.

10. When a drainage work is to be constructed on or along a road allowance the engineer or surveyor shall, upon the application of the municipal council controlling such road allowance, place in his estimate of the cost of the work a sum sufficient to close-chop, or grub and clear not less than twelve feet of the middle of the road allowance (if required) and to spread thereon the earth to be taken from the work, and shall charge the cost thereof to the municipality, together with its proportion of the cost of the drainage work. *See 55 V., c. 42, ss. 594-5.*

COVERING DRAINAGE WORK.

Report on covering drains.

11. When the engineer or surveyor reports in favour of covering the whole or any part of a drainage work constructed under this Act, he shall determine and state in his report the size and capacity thereof and also the material to be used in its construction, and all the provisions of this Act shall apply thereto in the same manner and to the same extent as to an uncovered or open drainage work, but in no case shall the improvement of a creek, stream or natural watercourse be made into a covered drainage work unless it provides capacity for all the surface water from lands and roads draining naturally towards and into it, as well as for all the water from all the lands assessed for the drainage work. *See 55 V., c. 42, s. 585 (2).*

DISTINGUISHING ASSESSMENTS.

Engineer to distinguish assessments.

12. The engineer or surveyor shall, in his report, assess for benefit, outlet liability and injuring liability, and shall also, in his assessment schedule, insert the sum charged for each, opposite the lands and roads liable therefor respectively, and in separate columns.

Prior assessments to be taken into consideration.

13. In fixing the sum to be assessed upon any lands or roads, the engineer or surveyor may take into consideration any prior assessment or assessments on the same lands or roads for drainage work and repairs and make such allowance or deduction therefor as may seem just, and he shall, in his report, state the allowance made by him in respect thereof.

Engineer to report as to whether or not other municipalities are interested and how.

14. The engineer or surveyor aforesaid shall determine and report to the council of the municipality by which he was employed, whether the drainage work shall be constructed and maintained solely at the expense of such municipality and the lands assessed therein, or at the expense of all the municipalities interested, and the lands therein assessed, and in what proportions. *See 55 V., c. 42, s. 577.*

FILING REPORT.

Engineer to file report.

15. As soon as the engineer or surveyor has completed his report, plans, specifications, assessments and estimates, he shall file the same with the clerk of the municipality by which he was employed.

NOTICE

NOTICE TO PARTIES ASSESSED.

16. The clerk of the municipality shall notify all parties assessed within the area described in the petition, by mailing to the owner of every parcel of land assessed therein for the drainage work, a circular or postal card upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's lands and their assessment, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last of such circulars or postal cards, and the determination of the council as to the sufficiency of notice or otherwise shall be final and conclusive.

Clerk to notify
parties
assessed.

CONSIDERATION OF REPORT.

17. The municipal council shall at the meeting mentioned in such notice, immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do, and should any of the roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as one person benefited in favour of the petition.

Proceedings
at meeting for
consideration
of report.

EFFECT OF WITHDRAWAL FROM PETITION.

18. Should the petition at the close of the said meeting of the council contain the names of the majority of persons shown as aforesaid to be owners benefited within the area described, the council may proceed to adopt the report and pass a by-law authorizing the work, and no person having signed the petition shall after the adoption of the report be permitted to withdraw; but if after striking out the names of the persons withdrawing, the names remaining, including the names, if any, added as provided by section 17 of this Act, do not represent a sufficient number of owners within the area described to comply with the provisions of section 3 of this Act, then the persons who have withdrawn from the petition shall on their respective assessments in the report with one hundred per centum added thereto, together with the other original petitioners on their respective assessments in the report, be *pro rata*, chargeable with and liable to the municipality for the expenses incurred by said municipality in connection with such petition and report, and the sum with

Withdrawing
from petition.

with which each of such owners is chargeable shall be entered upon the collector's roll for such municipality against the lands of the person liable, and shall be collected in the same manner as taxes placed on the roll for collection. *See* 55 V., c. 42, s. 569 (22).

BY-LAWS.

What by-laws may be passed by council.

19. Should the council of the municipality in which the lands and roads described in the petition lie, be of the opinion that the drainage work proposed in said petition, or a portion thereof, would be desirable, the council may pass a by-law or by-laws;—

Doing Work and Borrowing Money.

Providing for work.

1. For providing for the proposed drainage work or a portion thereof being done as the case may be. *See* 55 V., c. 42, s. 569 (1).

Borrowing funds.

2. For borrowing on the credit of the municipality, the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the costs of appeal, if any and any amount payable in respect of work on railway lands, in sums of not less than \$50 each, and payable within twenty years from date, (except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date,) with interest at a rate of not less than 4 per centum per annum. *See* 55 V., c. 42, s. 569 (2.)

Assessing Lands and Roads.

Assessing lands and roads.

3. For assessing and levying in the same manner as taxes are levied upon the lands and roads (including roads held by joint stock companies, railway companies, private individuals, counties or county councils) to be benefited by the work and otherwise liable for assessment under this Act in the municipality passing the by-law, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing, levying and collecting the same as other taxes are assessed, levied and collected, in proportion as nearly as may be, to their respective liability to contribute. *See* 55 V., c. 42, s. 569 (3).

Fixing time for paying assessment.

4. For regulating the times and manner in which the assessments shall be paid. *See* 55 V., c. 42, s. 569 (4).

Determining Assessment Liability.

Determining property to be benefited.

5. For determining what lands and roads will be benefited by or otherwise rendered liable for assessment for the drainage work, and the proportion in which the assessment should be made, subject in every case of complaint by the owner or any person interested in any lands or roads to appeal as hereinafter provided. *See* 55 V., c. 42, s. 569 (5).

FORM

FORM OF BY-LAW.

20. The by-law shall, varying with the circumstances, be in the form or to the effect following :—

Form of
by-law.

A by-law to provide for drainage work in the of in the county of and for borrowing on the credit of the municipality, the sum of for completing the same (*or the sum of the proportion to be contributed by said municipality for completing the same*).

Provisionally adopted the day of A. D. 189

Whereas the majority in number of the resident and non-resident owners (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by drainage work (*as the case may be*) have petitioned the council of the said of praying that (*here set out the purport of the petition, describing generally the lands and roads to be benefited*).

And whereas, thereupon the said council has procured an examination, to be made by , being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under this Act, and has also procured plans, specifications and estimates of the drainage work to be made by the said and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability, which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots hereinafter in that behalf specially set forth and described ; and the report of the said in respect thereof, and of the said drainage work being as follows: (*here set out the report of the engineer or surveyor employed*.)

And whereas the said council are of opinion that the drainage of the area described is desirable :—

Therefore the said municipal council of the said of , pursuant to the provisions of *The Drainage Act, 1894*, enacts as follows :—

1st. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2nd. The reeve (*or mayor*) of the said may borrow on the credit of the corporation of the said of the sum of dollars, being the funds necessary for the work *not otherwise provided for* (*or being said municipality's proportion of the funds necessary for the work*), and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within years from the date

date thereof, with interest at the rate of per centum per annum, that is to say: (*insert the manner of payment annually and whether with or without coupons, and if the latter, omit the last clause of this paragraph*) such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. For paying the sum of \$410, the amount charged against the said lands and roads for benefit, and the sum of \$108, the amount charged against said lands and roads for outlet liability, and the sum of \$135, the amount charged against said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for years, at the rate of per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for years, after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or part of lot.	Acres.	Value of benefit.	Value of outlet liability.	Value of injuring liability.	To cover interest for years at per cent.	Total special rate.	Annual assessment during each year for years.
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	5	200	100 00	23 00				
10	S. 6	100	50 00	10 00				
10	N. 6	50	30 00	5 00				
10	S. W. 8	100	80 00	13 00				
10	S. W. & N. 9	150	150 00	20 00				
10	4	200	.....	24 00				
10	S. 3	100	.....	13 00				
9	W. 5	100	.....	40 00				
9	N. 6	50	.....	25 00				
9	N. E. & N. 7	150	.....	70 00				
Total for benefit			410 00	108 00	135 00			
" outlet			108 00					
" injuring			135 00					
Roads (and lands) of municipality			100 00					
Total			\$753 00					

4th. For paying the sum of \$100, the amount assessed against the said roads and lands of the municipality, and for covering interest thereon for _____ years at the rate of _____ per centum per annum, a special rate on the dollar, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole ratable property in the said _____ of _____ in each year for _____ years, after the final passing of this by-law, during which the said debentures have to run.

5th. This by-law shall be published once in every week for four consecutive weeks in the _____, newspaper, published in the town of _____ (or printed and served or mailed *as described*), and shall come into force upon and after the final passing thereof, and may be cited the "By-law." See 55 V., c. 42, s. 570.

PUBLICATION OF BY-LAW.

21.—(1) Before the final passing of the by-law, it shall be published once in every week for four consecutive weeks in such newspaper published either within the municipality or in the county town, or in a newspaper published in an adjoining or neighboring municipality, as the council may by resolution designate, with a notice of the time and place of holding the court of revision, and also a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer and the clerk of the municipality, of his intention to make application for that purpose to the High Court at Toronto during the six weeks next ensuing the final passing of the by-law. See 55 V., c. 42, s. 571 (1).

Publication of by-law and notice of sitting of court of revision.

(2) The clerk shall furnish the publisher of the newspaper with the names and post office addresses of all persons within the municipality whose lands are assessed for the drainage work, and the publisher shall mail or cause to be mailed to each owner, to such post office address, the first two issues of the newspaper containing the by-law, and the publisher or person mailing such newspapers shall make a statutory declaration of such mailing, and file the same with the clerk of the municipality publishing the by-law.

Newspaper to be sent to each person assessed.

22. The municipal council may, at its option, instead of publishing in a newspaper, by resolution direct that a copy of the by-law, including said notice of the sitting of the court of revision and notice as to proceedings to quash, written or printed, or partly written and partly printed, be served upon each of the assessed owners, or their lessees or the occupant of their lands, or the agent of such owner, or be left on the lands if occupied with some grown up person, and if unoccupied and the

Service in lieu of publication.

the owner or his agent does not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner a copy of the by-law and notices, and a statutory declaration shall be made by the party or parties effecting any service or mailing such registered letters, showing the manner and date of effecting the service, or the date of mailing any registered letter, and the said declaration shall be filed by the person declaring with the clerk of the municipality passing the by-law. *See 55 V., c. 42, s. 571 (2).*

If by-law or part thereof not quashed within time limited.

23. In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the notice attached to the by-law, or if the notice be served, then should the application be not made or be made unsuccessfully in whole or in part, the by-law, or so much thereof as is not quashed, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of form or substance, either in the by-law itself or in the time or manner of passing the same, be a valid by-law. *See 55 V., c. 42, s. 572 (1); s. 331.*

COURT OF REVISION.

Court of revision where council consists of five or less than five.

24. If the council of the municipality consists of not more than five members, such five members shall be a court for the revision of the assessments for the drainage work. *See 55 V., c. 48, s. 55.*

Where council contains more than five members.

25. If the council consists of more than five members, such council shall appoint five of its members to constitute the said court of revision. *See 55 V., c. 48, s. 56.*

Oath of member of court.

26. Every member of the court of revision shall, before entering upon his duties, take and subscribe before the clerk of the municipality the following oath, or affirmation in cases where by law affirmation is allowed :

I, _____, do solemnly swear (or affirm), that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the court of revision, from the assessments appearing in a by-law (*here set out title of by-law*), which may be brought before me for trial as a member of said court. *55 V., c. 48, s. 57.*

Quorum.

27. Three members of the court of revision shall constitute a quorum, and the majority of a quorum may decide all questions before the court. But no member of the court shall act as a member thereof while any appeal is being heard respecting any lands in which he is directly or indirectly interested, save and except roads and lands under the jurisdiction of the municipal council. *See 55 V., c. 48, s. 58.*

Members not to sit on appeals when interested.

28.—(1) The clerk of the municipality shall be the clerk of Clerk of court. the court, and shall record the proceedings thereof and shall issue summonses to witnesses to attend any sittings of the court. 55 V., c. 48, s. 59.

(2) The summons to any witness issued by the clerk Form of summons. under this section may be in the following form:—

You are hereby required to attend and give evidence before the court of revision at _____ on the _____ day of _____ 189____, in the matter of the drainage work (*naming or describing work*) and of the following appeal. Fail not.

Appellant (*name of*)

A. B.

Clerk of township of _____

(3) The fees payable to any witness on an appeal to Witness fees. the court of revision shall be according to the scale of witness fees in the division court.

29. At the time appointed, the court shall meet and try Meeting and adjournments. all complaints in regard to owners wrongly assessed or omitted from assessment, or assessed at too high or too low an amount, and such court may adjourn from time to time as required. See 55 V., c. 48, s. 61.

30. The evidence of witnesses shall be taken on Administering oaths and summoning witnesses. oath and any member of the court may administer an oath to any party or witness. See 55 V., c. 48, s. 62.

31. If any person summoned to attend the court of revision as a witness fail, without good and sufficient reason, to attend (having been tendered the proper witness fees) he shall incur a penalty of \$20 to be recovered with costs, by and to the use of any person suing for the same, either by suit in the proper division court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. See 55 V., c. 48, s. 63. Witness failing to attend when summoned.

Procedure for Trial of Complaints.

32. Any owner of land, or, where roads in the municipality are assessed any ratepayer, complaining of overcharge in the assessment of his own land, or any roads of the municipality, or of the undercharge of any other lands, or of any road in the municipality, or that lands or roads within the area described in the petition which should have been assessed for benefit, have been wrongly omitted from the assessment, or that lands or roads which should have been assessed for outlet liability or injuring liability have been wrongly omitted, may personally, or by his agent, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all of the causes aforesaid. See 55 V. c. 48, s. 64 (1). Who may give notice of appeal.

Time for holding court of revision.

33. The trial of complaints shall be had in the first instance by and before the court of revision of the municipality in which the lands and roads assessed are situate, and the first sitting of such court shall be held pursuant to notice on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law, as the case may be; notice of the first sitting of the court shall be published or served with the by-law, but the court may adjourn from time to time as occasion may require; and all notices of appeal shall be served on the clerk of the municipality at least ten days prior to the first sitting of the court; but the court may, though such notice of appeal be not given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as may be just. See 55 V. c. 42, s. 569 (10); s. 571 (3).

Notice.

Form of notice of complaint.

34. If any complaint is made on the ground that any lands or roads have been assessed too low or wrongly omitted from assessment by the engineer or surveyor, the clerk shall give notice of the complaint and the time of the trial to the owner or person interested in such lands or in the case of roads to the reeve or other head of the municipality; which notice shall be in the form following or to the like effect:

Take notice that you are required to attend before the court of revision at _____ on the _____ day of 189 , in the matter of the following appeal:—

“Appellant, _____ (name of)

Subject.—That you are assessed too low (or as the case may be) for drainage work (naming the drainage work).

“To J. K.

(Signed,) X. Y.
Clerk.”

See 55 V. c. 48, s. 64 (3-9).

Serving notice

35. The notice in the preceding section mentioned shall be sent by letter addressed to such person and to his post office address or to his last known address, at least seven days before the first sitting of the court for the trial of complaints. See 55 V. c. 48, s. 64 (10, 11, 12.)

Entry of appeals.

36. The clerk of the court shall enter the appeals on a list in the order in which they are received by him, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. 55 V. c. 48, s. 64 (5).

Form of list of appeals.

37. Such list may be in the following form:—

Appeals from the assessment of the engineer on drainage work, to be heard at the court of revision, to be held

held at commencing at 10 o'clock in the forenoon
on the day of 189

Appellant	Omitted or wrongly assessed.	Matter complained of.
A. B.	Self	Overcharged for benefit.
C. D.	Self	Overcharged for outlet.
E. F.	Self	Overcharged for injuring
G. H.	J. R.	Undercharge for benefit.
L. M.	N. O.	Undercharge for outlet.
P. Q.	R. S.	Undercharge injuring.
T. U.	V. W.	Wrongly omitted.
X. Y.	Self	Wrongly assessed.
etc.	etc.	

38. In case any lands or roads have been assessed for the construction or repair of a drainage work, and the same property is afterwards assessed by the engineer or surveyor for the construction or repair of any other drainage work, the court of revision or judge may take into consideration any prior assessment or assessments for drainage work on the same property and give such effect thereto as may be just. *See* 55 V. c. 42, s. 569 (11a).

39. When the ground of complaint is, that lands or roads are assessed too high, and the evidence adduced satisfies the court of revision or judge that the assessments on such lands or roads should be reduced, but no evidence is given of other lands or roads assessed too low or omitted, the court or judge shall adjourn the hearing of such appeal, for a time sufficient to enable the clerk to notify all persons affected by postal card or letter of the date to which such hearing is adjourned, and the clerk shall so notify all persons interested, and unless they appear and show cause against the reduction of the assessment appealed against or the increase of their own, the court or judge may dispose of the matter of appeal in such manner as may be just, and the sum by which the assessment appealed against is reduced (if any) may be distributed *pro rata* over the assessments of its own class or otherwise so as to do justice to all parties. *See* 55 V. c. 42, s. 569 (15).

40. The clerk shall by registered letter immediately after the close of the court, notify all appellants of the result of their appeal and also of the date of the closing of the court of revision.

APPEALS FROM COURT OF REVISION.

41. An appeal from the court of revision shall lie to the county judge of the county within which the municipality is situate, and not only against a decision of the court of revision, but also against the omission, neglect or refusal of said court to hear or decide an appeal. *See* 55 V. c. 48, s. 68 (1).

Time for giving notice of appeal.

42. The person appealing shall, in person or by solicitor or agent, file with the clerk of the municipality within ten days after the date of the closing of the court of revision, a written notice of his intention to appeal to the judge. *See* 55 V. c. 48, s. 68 (2).

Clerk to notify judge and judge to fix time and place for hearing appeals.

43. The clerk shall immediately after the time limited for filing appeals, forward a list of the same to the judge, who shall then notify the clerk of the day he appoints for the hearing thereof and shall fix the place for holding such hearing at the town hall or other place of meeting of the council of the municipality from the court of revision of which the appeal is made unless the judge for the greater convenience of the parties and to save expense shall fix some other place for the hearing. *See* 55 V. c. 48, s. 68 (3).

Notice to persons appealed against.

44. The clerk shall thereupon give notice to all the parties appealed against, in the same manner as is provided for giving notice on a complaint to the court of revision, but in the event of failure by the clerk to have the required notice given, or to have the same given within proper time, the judge may direct notice to be given for some subsequent day upon which he may try the appeals. *See* 55 V. c. 48, s. 68 (4).

Time for giving judgment

45. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time, but shall deliver judgment not later than 30 days after the hearing. *See* 55 V. c. 48, s. 68 (7).

Clerk of court.

46.—(1) The clerk of the municipality shall be the clerk of such court, and shall record the proceedings thereof and shall have the like powers as the clerk of a division court as to the issuing of subpoenas to witnesses upon the application of any party to the proceedings or upon an order of the judge for the attendance of any person as a witness before him. *See* 55 V. c. 48, s. 68 (6).

Witness fees.

(2) The fees to be allowed to witnesses upon an appeal to the judge under this Act shall be those allowed to witnesses in any action in the division court.

Powers of judge on appeal.

47. In all proceedings before the county judge as aforesaid, he shall possess all such powers for compelling the attendance of and for the examination on oath of all parties, and all other persons whatsoever, and for the production of books, papers and documents, and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the division court or county court. *See* 55 V. c. 48, s. 70.

Fees and cost of Appeals.

Apportionment of costs—enforcing payment.

48. The costs of any proceeding before the court of revision, or before the judge as aforesaid, shall be paid or apportioned between

between the parties in such manner as the court or judge thinks fit, and the same shall be enforced when ordered by the court of revision by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the judge, by execution to be issued as the judge may direct, either from the county court or any division court within the county in which the municipality is situate. *See 55 V. c. 48, s. 72.*

49. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, and the same are to be taxed according to the allowance in the division court for such costs, and in cases where execution issues, the costs thereof as in the like court, and of enforcing the same, may also be collected thereunder. *See 55 V. c. 48, s. 73.*

What costs may be awarded—taxation of.

50. The judge shall be entitled to receive from the municipality as his expenses for holding court in any place in the municipality, other than the county town, for the hearing of appeals from the court of revision the sum of five dollars per day and disbursements necessarily incurred. *See 55 V. c. 48, s. 73a.*

Fees and expenses of judge.

51. The decision of the county judge as aforesaid shall be final and conclusive. *See 55 V. c. 48, s. 74.*

Decision to be final.

52. Any change in the assessment of the engineer or surveyor made by the court of revision or judge in appeal therefrom, shall be given effect to by the clerk of the municipality altering the assessments and other parts of the schedule to comply therewith, and the by-law shall before the final passing thereof be amended to carry out any changes so made by the court of revision or judge. *See 55 V. c. 42, s. 570 (2-3).*

Clerk to alter assessments conformably with result of appeals.

ISSUE OF DEBENTURES.

53. Any municipal council issuing debentures under this Act, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this section, to the same amount with interest added. *See 55 V. c. 42, s. 569 (2), cl. a.*

Debentures may include principal and interest in one sum.

54. Any owner of lands or roads, including the municipality, assessed for the work, may pay the amount of the assessment against him or them, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionately reduced. *See 55 V. c. 42, s. 569 (3) cl. b.*

Payment of assessment before debentures issue.

Informalities
not to invali-
date debentures.

55. No debentures issued or to be issued under any by-law for the construction or maintenance of any drainage work, shall be held to be invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums in the aggregate not exceeding the amount authorized by the by-law. 55 V. c. 42, s. 574.

When debentures to be valid and binding to extent of amount advanced.

56. Any debentures issued and sold to provide any sum of money for the construction or repairs of any drainage work, shall be good in the hands of the purchaser, and be binding upon the corporation issuing them, to the extent of the money actually advanced on the security, and interest thereon, according to the provisions of same, provided no application to quash be made within six weeks from the final passing of the by-law authorizing the issue thereof notwithstanding the by-law be afterwards quashed or declared illegal in any proceedings.

WORK NOT CONTINUED INTO ANOTHER MUNICIPALITY.

Drainage work not continued into another municipality.

57—(1) Where any drainage work is not continued into any other than the initiating municipality, any lands or roads in the initiating municipality or in any other municipality, or roads between two or more municipalities, which will, in the opinion of the engineer or surveyor, be benefited by such work or furnished with an improved outlet or relieved from liability for causing water to flow upon and injure lands or roads, may be assessed for such proportion of the cost of the work as to the engineer or surveyor seems just. 55 V. c. 42, s. 576.

(2) A drainage work shall not be deemed to be continued into a municipality other than the initiating municipality, merely by reason of such drainage work or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities.

Constructio
of drainage
work on road
allowance.

58. When it is necessary to construct any drainage work or any part thereof on a road allowance used as a boundary line between two or more municipalities, the municipal council or of the adjoining municipalities may, on the petition of the majority of owners in the area therein described and within its own limits, authorize the same to be constructed on the allowance for road between the municipalities, and make the road as provided by section 10, and the engineer or surveyor may assess and charge the lands and roads benefited or otherwise liable to assessment in the adjoining municipality or municipalities, as well as the road allowance, with such proportion of the cost of constructing the said work as he may deem just 55 V. c. 42, s. 596.

WORK CONTINUED INTO ANOTHER MUNICIPALITY.

Continuing
work beyond
the limits of
municipality.

59. When it is required to continue any drainage work beyond the limits of any municipality, the engineer or surveyor employed

employed by the council of such municipality may continue the survey and levels on or along or across any allowance for road or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess and charge regardless of municipal boundaries, all lands and roads to be affected by benefit, outlet or relief, with such proportion of the cost of the work as to him may seem just, and in his report thereon he shall estimate separately the cost of the work within each municipality and upon the road allowances or other boundaries. 55 V. c. 42, s. 575.

60. Whenever any lands or roads in or under the jurisdiction of any adjoining or neighbouring municipality, other than the municipalities into or through which the drainage work passes, are, in the opinion of the engineer or surveyor of the initiating or other municipality doing the work or part thereof, benefited by the drainage work or provided with an improved-outlet or relieved from liability for causing water to flow upon and injure lands or roads, he may assess and charge the same as is provided in the next preceding section. *See* 55 V. c. 42, s. 575.

Charging neighbouring municipality when work does not enter same.

SETTLING ASSESSMENTS, ETC., BETWEEN MUNICIPALITIES.

61. The council of any initiating municipality shall serve the head of the municipality or municipalities into or through which the work is to be continued, or whose lands or roads are assessed without the drainage work being continued into it, with a copy of the report, plans, specifications, assessments and estimates of the engineer or surveyor on the proposed work, and unless the same are appealed from as hereinafter provided, they shall be binding on each and every corporation whose council is so served, and the council of the initiating municipality shall be entitled, in the event of no appeal, to proceed with the by-law, and authorize and construct or procure the construction of the whole drainage work in accordance therewith. 55 V. c. 42, s. 579.

Council of initiating municipality to serve other municipalities to be affected.

62. The council of the municipality so served, shall in the same manner as nearly as may be, and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 3 of this Act, pass a by-law or by-laws to raise, and shall raise and pay over to the treasurer of the initiating municipality within four months from such service, the sum that may be named in the report as its proportion of the cost of the drainage work, or in the event of an appeal from the report the sum that may be determined by the referee or court of appeal,

Municipality served to raise and pay over its proportion of cost.

peal, and such council shall hold the court of revision for the adjustment of assessments upon its own ratepayers in the manner hereinbefore provided. 55 V., c. 42, s. 580.

Appeal to
referee from
report of
engineer.

63.—(1) The council of any municipality served as provided by section 61 may, within thirty days after such service upon its head, appeal to the referee from the report, plans, specifications, assessments and estimates of the engineer or surveyor, by serving the head of the council from which they received the copy and the head of the council of any other municipality assessed by the engineer or surveyor with a written notice of appeal, setting forth therein the reasons for such appeal.

Grounds
appeal.

(2) The reasons of appeal which shall be set out in such notice may be the following or any of them :—

(a) When the assessment against the appealing municipality exceeds \$1,000, or exceeds the estimated cost of the work in the initiating municipality,

1. That the scheme of the drainage work as it affects the appealing municipality should be abandoned or modified, on grounds to be stated ;
2. That such scheme does not provide for a sufficient outlet ;
3. That the course of the drainage work, or any part thereof, should be altered ;
4. That the drainage work should be carried to an outlet in the initiating municipality or elsewhere.

(b) In any case not otherwise provided for,—

1. That a petition has been received by the council of the appealing municipality, as provided by section 3 of this Act, from the majority of the owners within the area described in the petition, praying for the enlargement by the appealing municipality of any part of the drainage work lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition.
2. That such appealing municipality objects to paying over its proportion of the cost of the work to the treasurer of the initiating municipality.
3. That the initiating municipality should not be permitted to do the work within the limits of the appealing municipality.
4. That the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive.

Powers of
referee on
appeal.

64.—(1) Upon an appeal under the preceding section the referee shall hear and adjudicate upon all questions raised by the notice of appeal, and the reasons for such appeal stated therein as they may affect any municipality assessed for the drainage

drainage work; and he may give leave to any municipality through or into which the proposed work will be continued to enlarge the same, pursuant to petition in that behalf and according to the report, plans, specifications, assessments and estimates of an engineer appointed by the referee for that purpose, and may make such order in the premises and as to costs already incurred, and as to costs of the appeal, as may seem just.

(2) The order of the referee upon such appeal shall be subject to appeal to the Court of Appeal, as in other cases, but the decision of the Court of Appeal shall be final and conclusive as to all corporations affected thereby.

Appeal to
Court of
Appeal.

(3) The council of the initiating municipality may, by resolution passed within thirty days after the decision of the referee on the appeal to him or in case of an appeal therefrom after the hearing and determination thereof, abandon the proposed drainage work, subject to such terms as to costs and otherwise as to the referee or the Court of Appeal may seem just.

Abandonment
of work by
initiating
municipality.

ASSESSMENT FOR CUT OFF.

65. Any lands or roads from which the flow of surface water is by any drainage work cut off, may be assessed and charged for same by the engineer or surveyor of the municipality doing the work, and such assessment shall be classified and scheduled as benefit.

Benefit by
cut off.

AMENDING BY-LAW.

66.—(1) Any by-law heretofore passed or which may be hereafter passed by the council of any municipality for the assessment upon the lands and roads liable to contribute for any drainage work and which has been acted upon by the doing of the work in whole or in part, which does not provide sufficient funds to complete the drainage work or its share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures issued under the amending by-law in order to fully carry out the intention of the original by-law.

Amendment
of by-law
when insuffi-
cient funds
provided.

(2) Where in any such case lands and roads in another municipality are assessed for the drainage work the council of the initiating municipality shall procure an engineer or surveyor to make an examination of the work and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall serve the heads of the other municipalities as in the case of the original report, plans, specifications, assessments and estimates, and the council of any municipality so served shall have the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and be subject to the same duty as to raising

When lands
and roads
in another
municipality
assessable.

raising and paying over its share of the money to be raised, as is provided by sections 62 and 63 in the case of the original by-law.

Amendment
of by-law and
distribution of
surplus.

(3) Any by-law already passed or hereafter passed by the council of any municipality for the assessment upon the lands and roads liable to contribute for any drainage work and acted upon by the completion of the work, which provides more than sufficient funds for the completion of or proper contribution towards the work or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended and if lands and roads in any other municipality are assessed for the drainage work the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the work in each and every year after the completion of the work until wholly paid out.

Publication
of amending
by-laws.

67. It shall be in the discretion of the council whether the amending by-law shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the next preceding section, which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. See 55 V. c. 42, s. 573 (2).

MAINTENANCE OF DRAINAGE WORK.

Maintenance
of work not
continued
into another
municipality.

68. Any drainage work heretofore constructed under a by-law of any municipality passed in pursuance of any Act relating to the construction of drainage work by local assessment, or hereafter constructed by a municipality under the provisions of this Act, and which is not continued into any other municipality, shall after the completion thereof be maintained by the initiating municipality,

(a) If no lands or roads in any other municipality are assessed for the construction thereof, then at the expense of the lands and roads in the initiating municipality in any way assessed for such construction, according to the assessment of the engineer or surveyor in his report and assessment for the original construction of such drainage work, or,

(b) If lands or roads in any other municipality, or roads between two or more municipalities are in any way assessed for the construction of such drainage work, then at the expense of all the lands and roads in any way assessed for such construction in the municipalities affected, and in the proportion determined by such report and assessment, or in appeal therefrom by the award of arbitrators or order of the referee,—

Unless

Unless or until such assessment or proportion as the case may be, has been, or shall be varied or otherwise determined from time to time by the report and assessment of an engineer or surveyor for the maintenance of the drainage work, or in appeal therefrom by the award of arbitrators or order of the referee.

69. Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality or municipalities, shall after the completion thereof be maintained by the initiating municipality from the point of commencement of the drainage work in the municipality or upon such road allowance to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, and by such last mentioned municipality and by every other municipality through or into which the drainage work is continued from the point at which the drainage work crosses the boundary line between a road allowance and lands in the municipality to an outlet in the municipality or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of arbitrators or order of the referee unless and until, in the case of each municipality, such provision for maintenance has been or shall be varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work or in appeal therefrom by the award of arbitrators or order of the referee.

Maintenance of drainage work passing into another municipality.

70.—(1) Where a drainage work heretofore constructed under the provisions of *The Ontario Drainage Act* or any Act in amendment thereof or under a by-law passed by a county council does not extend beyond the limits of one municipality such drainage work shall be maintained and kept in repair by such municipality at the expense of the lands and roads in any way liable to assessment under the provisions of this Act.

Maintenance of drains constructed by government or under county by-laws.

(2) Any drainage work heretofore constructed under *The Ontario Drainage Act* or any Act in amendment thereof or under a by-law passed by a county council, which continues from the municipality in which the drainage work commences into or through one or more other municipalities, shall

When such drains extend into another municipality.

shall be maintained and kept in repair by the municipality in which the drainage work commences, from the point of commencement to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality or to the outlet on such road allowance as the case may be, and by every other municipality through or into which the drainage work is continued from the point at which the same crosses the boundary line between any road allowance and lands in the municipality and enters upon such lands to an outlet in the municipality, or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in an adjoining municipality as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof and in the proportion determined by the assessors or engineer or surveyor in their assessment roll or report as the case may be, for construction, or in appeal therefrom by the award of arbitrators or order of the referee, unless and until in the case of each municipality such provision for maintenance has been or shall be varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work or in appeal therefrom by the award of arbitrators or order of the referee.

(3) A drainage work which commences on a road allowance between two municipalities, shall, for the purposes of this section, be deemed to commence in the municipality next adjoining that half of the road allowance upon which the drainage work is begun.

Service of by-law on municipality in which lands are assessed without drain being continued into it.

71.—(1) The council of any municipality undertaking the repair of any drainage work under sections 68, 69 or 70 of this Act, shall, before commencing the repairs, serve upon the head of any municipality liable to contribute any portion of the cost of such repairs under the provisions of this Act, a certified copy of the by-law for undertaking the repairs, as the same is provisionally adopted, which by-law shall recite the description, extent and estimated cost of the work to be done and the amount to be contributed therefor by each municipality affected by the drainage work, and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage work has never been completed through the default or neglect of the municipality whose duty it was to do the work, in the manner provided in the case of the construction of the drainage work, and the referee on such appeal may alter, amend or confirm such by-law, or may direct that the same shall not be passed as to him may seem just.

(2) The council of every municipality served with the provisional by-law shall, within four months after such service, pass a by-law to raise, and shall, within said period of four months, raise and pay over to the treasurer of the initiating municipality the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as settled on appeal therefrom by the order of the referee.

Council served to raise and pay over amount required.

VARYING ASSESSMENT.

72.—(1) The council of any municipality liable for the maintenance of any drainage work may from time to time as same requires repairs vary the proportions of assessment for maintenance on the report and assessment of an engineer appointed by the council to examine and report on the condition of the work or the portion thereof, as the case may be, which it is the duty of the municipality as aforesaid to maintain and on the liability to contribute of lands and roads not assessed for construction, and which have become liable to assessment under this Act, and the engineer or surveyor may in his report upon such repairs assess lands and roads in the municipality undertaking the repairs and in any other municipality or municipalities from which water flows through the drainage work into the municipality undertaking the repairs, but he shall not, except after leave given by the referee on an application of which notice has been given to the head of every municipality affected, assess for such repairs any lands or roads lying in the municipality or municipalities into which water flows through the drainage work from the municipality undertaking the repairs.

Varying assessment for maintenance.

(2) The proceedings upon such report and assessment shall be the same as nearly as may be as upon the report for the construction of the drainage work.

Proceedings on report of engineer.

(3) Any council served with a copy of such report and assessment may appeal from the finding of the engineer as to the proportion of the cost of the work for which the municipality is liable, to the referee, and the proceedings on such appeal shall be the same as in other cases of appeals to the referee under this Act.

Appeal from report of engineer.

(4) Any owner of lands and any ratepayer in the municipality as to roads assessed for such repairs may appeal from such assessment in the manner provided in the case of the construction of the drainage work, and the council of every municipality affected by the report of the engineer or surveyor made under this section shall appoint a court of revision for the trial of any appeals in the manner hereinbefore provided.

Appeal to court of revision and judge.

73. Any municipality neglecting or refusing to maintain any drainage work as aforesaid, upon reasonable notice in writing from any person or municipality interested therein and who or whose property is injuriously affected by the condition of the drainage work, shall be compellable by mandamus issued

Power to compel repairs by mandamus.

issued by the referee or other court of competent jurisdiction to maintain the work, unless the notice shall be set aside or the work required thereby varied as hereinafter provided, and shall also be liable in pecuniary damages to any person or municipality who or whose property is injuriously affected by reason of such neglect or refusal.

Proviso.

(a) Provided nevertheless, that any municipality, after receiving such notice, may, within fourteen days thereafter, apply to the referee to set aside the notice; such application may be made upon four days' notice to the party or parties who gave the notice to the municipality, and the referee shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm or set aside the notice, as to him shall seem proper, or order that the said work of maintenance shall be done wholly or in part, and the costs of and concerning the said motion shall be in the discretion of the referee except as hereinafter mentioned, and may be taxed upon the county or division court scale, as the referee may direct.

Giving notice to repair maliciously.

(b) Should the referee find that the notice to the municipality was given maliciously or vexatiously, or without any just cause, or to remove an obstruction which under this Act it was the duty of the party giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the party giving such notice.

Costs to be paid out of general funds.

(c) Any costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be paid out of its general funds.

Appeal to court of appeal.

(d) Any party to such proceedings may, except on a question of costs, by leave of the referee or special leave of the Court of Appeal, appeal to the Court of Appeal from the decision or judgment of the referee, and the proceedings in and about such appeal shall be the same as nearly as may be, as upon an appeal from the decision or judgment of the referee as is hereinafter provided.

Powers of court on appeal.

(e) Upon any such appeal the court may determine whether a mandamus shall issue or otherwise, and may make such order as may seem just.

Thirty days' notice to be given.

(f) A mandamus against the municipality shall not, in any case, be moved for until after the lapse of thirty days from the date of the service of the notice upon the municipality. *See* 55 V. c. 42, s. 583 (2).

REPAIRING WITHOUT REPORT.

74. The council of any municipality, whose duty it is to maintain any drainage work for which only lands and roads within or under the jurisdiction of such municipality are assessed, may, after the completion of the drainage work, without the report of an engineer or surveyor upon a *pro rata* assessment on the lands and roads as last assessed for the construction or repair of the drainage work, deepen, widen or extend the same to an outlet, provided the cost of such deepening, widening and extending is not above one-fifth the cost of the construction, and does not exceed in any case \$400 and in every case where the cost of repairs exceeds such proportion or amount, the proceedings to be taken shall be as provided in section 75 of this Act. *See 55 V. c. 42, s. 583 (3), s. 586 (4).*

Deepening,
widening, or
extending
without report
of engineer.

REPAIRING UPON REPORT.

75. Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act, or any Act respecting drainage by local assessment, or to prevent damage to any lands or roads, it shall be deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or otherwise improve, extend, or alter the work, or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain the said drainage work, may, without the petition required by section 3 of this Act, but on the report of an engineer or surveyor appointed by them to examine and report on the same, undertake and complete the change of course, new outlet, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable to assessment under this Act for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act. *See 55 V. c. 42, s. 585.*

Repairing
upon examin-
ation and re-
port by
engineer.

REPAIRING WORK CONSTRUCTED OUT OF GENERAL FUNDS.

76. Any drainage work heretofore or hereafter constructed out of the general funds of any municipality, or out of the general funds of two or more municipalities or out of funds raised by a local assessment under a by-law which may afterwards be found to be illegal or which does not provide for repairs, need not be repaired out of such general funds, but the council of any of the contributing municipalities may, without the petition required by section 3, on the report of an engineer

Assessment
for repair of
work con-
structed out
general funds.

engineer or surveyor, pass a by-law for maintaining the same at the expense of the lands and roads assessable for such work, and may assess the lands and roads in any way liable to assessment under this Act, for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act. *See* 55 V. c. 42, s. 586 (2).

PAYING BACK ADVANCES.

Repayment of advances from general funds on receipt of assessments.

77. Any moneys which have been or may hereafter be advanced by the council of any municipality out of its general funds for the purpose of any drainage work, in anticipation of the levies and collections therefor, shall be repaid into the general funds of the municipality as soon as the moneys first derived from the assessment shall be collected. *See* 55 V. c. 42, s. 586 (5).

MINOR REPAIRS.

Person responsible for obstruction to remove same on notice.

78.—(1) When any drainage work, heretofore or hereafter constructed, becomes obstructed by dams, low bridges, fences, washing out of private drains, or other obstructions, for which the land adjoining the drainage work or the owner or person in possession thereof is responsible, so that the free flow of the water is impeded thereby, the person or persons owning or occupying the land shall, upon reasonable notice in writing given by the council or by an inspector appointed by the council for the inspection and care of drains, remove such obstructions in any manner caused as aforesaid, and if not so removed within the time specified in the notice, the council or the said inspector, shall forthwith cause the same to be removed.

Inspector of drains.

(2) The council may, by by-law, appoint an inspector for the purposes mentioned in the preceding sub-section, and shall in the by-law regulate the fees or other remuneration to be received by him.

Collection of cost of removal by municipality.

(3) If the cost of removing such obstruction is not paid by the owner or occupant of the lands liable, to the municipality forthwith after the completion of the work, the council may pay the same, and the clerk of the municipality shall place such amount upon the collector's roll against the lands liable, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the owner or occupant, in respect of the cost of the work, to the judge of the county court of the county in which the lands are situate. *See* 55 V. c. 42, s. 588 (2).

CUTTING EMBANKMENTS, BANKS, ETC.

Penalty for injury to embankments, etc.

79. Any person who shall obstruct, fill up or injure any drainage work, or destroy, cut or injure any embankment of

of any pumping works, or of any other drainage work, shall, in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting, or injuring, be liable upon summary conviction thereof, before a justice of the peace, to a fine of not less than \$5 nor more than \$100 and costs of conviction, or to imprisonment with or without hard labour for any term not exceeding six months, or in default of payment of such fine and costs or costs only to imprisonment for any term not exceeding three months. *See* 55 V. c. 42, s. 588 (3).

REMOVING ARTIFICIAL OBSTRUCTIONS.

80. Wherever, in the construction of any drainage work any dam or other artificial obstruction exists in the course of or below the work, and is situate wholly within the municipality doing the work, the council shall have power, with the consent of the owner thereof and of the council or councils of the other municipalities liable to assessment for the cost of the work, and upon payment of such purchase money as may be mutually agreed upon, or in default of agreement be determined by the referee, to remove the same wholly or in part; and any amount so paid or payable as purchase money shall be deemed part of the cost of construction and be provided for in the assessment by the engineer or surveyor. *See* 55. c. 42 s. 569 (18-19).

Removal of dams, etc., on construction of work.

OPERATING PUMPING WORKS.

81. For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing one or more commissioners from among those whose lands are assessed for construction, who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work, as may be set forth in the by-law appointing them; and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable for assessment under the provisions of this Act. *See* 55 V. c. 42, s. 569, (9-17).

Appointment of commissioners for pumping works, etc.

82. Upon the petition of two-thirds of the persons interested in any drainage work constructed by embanking, pumping or other mechanical operations, and not constructed by the municipality, the council of the municipality in which the work is situate may assume the work and maintain and operate the same, in the same manner and to the same extent as if the said drainage work had been constructed under the provisions of this Act, but at the cost of the lands and roads liable to be assessed for the work.

Assuming pumping works, etc. constructed by private persons.

DEBENTURES FOR MAINTENANCE.

Powers to
issue debentures for cost
of main-
tenance.

Rev. Stat.,
c. 37.

83. Where the maintenance of any drainage work is so expensive that the municipal council liable therefor deem it inexpedient to levy the cost thereof in one year, the said council may pass a by-law to borrow, upon the debentures of the municipality, payable within seven years from the date thereof, the amount necessary for the work, or its proportion thereof, and shall assess, and levy upon the lands and roads liable therefor a special rate sufficient for the payment of the debentures. The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, which has before its final passing been published or the ratepayers notified in manner provided by this Act or has, after its passing been promulgated as required by section 329 of *The Consolidated Municipal Act, 1892*. See 55 V. c. 42, s. 589 (1).

MAKING AWARD DRAINS MUNICIPAL.

Power to
bring drains
constructed
by under
Rev. Stat.,
220, within
this Act.

84. Upon a petition presented to the council of any municipality as provided for in section 3 of this Act, having within the area described therein any drain constructed under *The Ditches and Watercourses Act* or any other Act providing for assessment in work, signed by a majority of the owners interested in such ditch or drain, the said council may assume the same and proceed thereon in the same manner and to the same extent as for the construction of any drainage work under the provisions of this Act, and the passing of the by-law under the provisions of this Act shall in every such case be a bar to any further proceedings upon the award or the provisions of the Act upon which such award is based.

WORK ON RAILWAY LANDS.

Work on rail-
way lands.

85.—(1) The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any work on the lands of such railway company into or through which a drainage work constructed under this Act may pass, and for the payment of the cost of such work after completion out of the general funds of the municipality, and the amount so paid shall be assessed against the lands and roads liable for the construction or maintenance of the drainage work, and shall be deemed part of the cost of the drainage work, and be included in the amount chargeable against lands and roads liable therefor according to the report and estimates of the engineer or surveyor.

(2) No agreement shall be entered into by a municipal council under this section without the consent in writing, filed with the clerk of the municipality, of a majority of the owners liable for the construction or maintenance of the drainage work in respect to which such work on railway lands is to be undertaken.

COST OF REFERENCE AND INCIDENTAL EXPENSES.

86. Except when otherwise provided by this Act, the cost of any reference had in connection with the construction or maintenance of any drainage work, the cost of the publication or service of by-laws, and all other expenses incidental to the construction or maintenance of the work and the passing of the by-laws, shall be deemed part of the cost of such work, and be included in the amount to be raised by local rate on all lands and roads liable therefor. See 55 V. c. 42, s. 569 (3) cl. a.

Certain expenses to be deemed part of the cost of the work.

LANDLORD AND TENANT.

87. Any agreement on the part of any tenant to pay the rates or taxes of the demised lands, shall not include the charges and assessments for any drainage work unless such agreement in express terms so provides; but in cases of contracts to purchase or of leases giving the lessee an option to purchase, the said charges and assessments for drainage work in connection with which proceedings were commenced under this Act, after the date of the contract or lease, and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase; but the amount still unpaid on the cost of the work or repair, and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. See 55 V. c. 42, s. 569, (3) cl. c.

Tenant's covenant to pay taxes—when to include drainage assessments.

DRAINAGE TRIALS.

88.—(1) The Lieutenant-Governor in Council may from time to time appoint a referee for the purpose of the drainage laws, that is to say, *The Ontario Drainage Act*, the provisions of this Act and all other Acts and parts of Acts on the same subject, for which this Act is substituted. See 54 V., c. 51, s. 2 (1).

Appointment of referee.

(2) Such referee shall be deemed to be and shall be an officer of the High Court. 54 V. c. 51, s. 2 (2).

To be deemed an officer of high court.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario. 54 V. c. 51, s. 2 (3).

To be a barrister of ten years standing. Tenure of office.

(4) He shall hold office by the same tenure as an official referee under *The Judicature Act*. See 54 V. c. 51, s. 2 (4).

Not to practice.

(5) He shall not practice as a solicitor or barrister or act in any capacity as a legal agent or adviser. 55 V. c. 57, s. 8.

(6) He shall be paid a salary of \$3,500 a year, to be paid monthly, and reasonable travelling expenses. See 54 V. c. 51, s. 24 (8).

Salary.

POWERS OF THE REFEREE.

89.—(1) The referee shall have the powers of an official referee under *The Judicature Act* and of arbitrators under the said former drainage enactments, and the referee is hereby substituted for such arbitrators. See 54 V. c. 51, s. 2 (4, 5).

Referee to have powers of an official referee under Rev. Stat. c. 41.

Powers as to compelling production, amending notices, etc.

(2) In respect to all proceedings before him or which may come before him under the provisions of this Act, or any former Act relating to drainage works, he shall have the powers of a judge of the High Court of Justice, including the production of books and papers, the amendment of notice of appeal, and of notices for compensation or damages, and of all other notices and proceedings; he may correct errors, or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers, surveyors or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do complete justice between the parties; he may also grant an injunction or a mandamus in any matter before him under this Act. *See 54 V. c. 51, s. 2 (6, 7).*

Granting a mandamus or injunction.

Power to determine validity of proceedings and amend report.

(3) The referee shall have power, subject to appeal as hereinafter provided, to determine the validity of all petitions, resolutions, reports, provisional or other by-laws, whether objections thereto have been stated as grounds of appeal to him or not, and to amend and correct any provisional by-law in question; and, with the engineer's consent and upon evidence given, to amend the report in such manner as may be deemed just, and upon such terms as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a county judge. *See 54 V. c. 51, s. 3; 55 V. c. 57, s. 1.*

Interlocutory applications, no appeal from referee thereon.

90. All interlocutory applications for any of the purposes mentioned in sub-section (2) of the last preceding section shall be made to the referee and his order thereon shall be final and conclusive. *See 54 V. c. 51, s. 2 (8).*

Appeals from Assessment.

Notice of appeal from assessment.

91. A copy of the notice of appeal by any municipality from the report, plans, specifications, assessments, and estimates of an engineer or surveyor or from a provisionally adopted by-law with an affidavit of service thereof shall within the time limited by this Act for the service of the same, be filed in the office of the clerk of the county court of the county or union of counties in which the drainage work commenced. *See 55 V. c. 57, s. 3.*

Amendment of by-law to carry out decision of referee

92. The by-law of the initiating municipality and of any other municipalities interested shall be amended so as to incorporate and carry into effect the decision or report of the referee or such decision or report as varied on appeal, as the case may be. *See 54 V. c. 51, s. 8.*

Damages,

Damages, Compensation, etc.

93.—(1) In case a dispute arises between municipalities or between a company and a municipality, or between individuals and a municipality or company, or between individuals as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said referee, who shall hear and determine the same and give in writing his award and decision and his reasons therefor. 54 V. c. 51, s. 9.

Reference of
claims for
damages, etc.
to referee.

(2) Proceedings for the determination of claims, matters and disputes and for the recovery of damages which any of the said drainage enactments provide for referring to arbitration, other than an appeal from the report of an engineer or a provisional by-law, shall be instituted by serving a notice claiming damages or compensation or a mandamus or injunction as the case may be, upon the other party or parties concerned, and such notice shall state the ground of such claim. See 54 V. c. 51, s. 5; 55 V. c. 57, s. 2.

(3) A copy of such notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county or union of counties in which the lands in question are situate, and such notice shall be filed and served within one year from the time the cause of complaint arose. See 55 V. c. 57, s. 2.

Actions for Damages.

94. Where an action for damages is brought and in the opinion of the court in which the action is brought or a judge thereof, the proper proceeding is under this Act, or the action may be more conveniently tried before and disposed of by the referee, the court or judge may on the application of either party or otherwise and at any stage of the action, make an order transferring or referring it to the referee and on such terms as the court or judge deems just, and the referee shall thereafter give directions for the continuance of the action before him and subject to the order of transfer or reference, all costs shall be in his discretion, and should no application or order be made as aforesaid the court or judge shall have jurisdiction to try the action subject to appeal, and such jurisdiction shall include all the relief within the powers herein given to the referee as well as those of the High Court. See 54 V. c. 51, ss. 11, 19.

Courts may
refer actions
for damages,
etc., to referee.

Proceeding with Reference.

95.—(1) The referee at any time after an appeal or reference is made to him as hereinbefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to either or any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or one of the counties in

Referee to
direct pro-
cedure.

in which the drainage work or proposed drainage work is situate or lands are assessed. See 54 V. c. 51, s. 12.

Clerk of court

(2) The clerk of the county court shall be the clerk of the court of the referee, and shall take charge of and file all the exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court; which fees shall be paid in money and not by stamps. See 55 V. c. 57, s. 4.

Referee's clerk.

(3) In the absence of the clerk of the county court the referee may appoint the referee's clerk or some other person to act as deputy clerk of the county court for the purpose of the trial and for taking charge of and filing all exhibits, and such person so appointed shall have all the power while so acting, and shall be entitled to the same fees as the clerk of the county court would if personally present. See 55 V. c. 57, s. 4.

Subpoenas.

(4) County court subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee may be issued by the clerk of the county court of the county or union of counties in which the case is to be heard.

When referee proceeds on view or special knowledge.

96. When the referee proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow the Court of Appeal to form a judgment of the weight which should be given thereto, and he shall state as part of his reasons the effect by him given to such statement. See 54 V. c. 51, s. 13.

Assessing damages and by municipalities.

97.—(1) Save as provided by sub-sections 2 and 3 of this section all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied *pro rata* upon the lands and roads in any way assessed for the drainage work according to the assessment thereof for construction or maintenance, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

(2) Where such damages and costs shall have become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction of the drainage work or in carrying out the provisions of this Act, the referee or Court may direct that the whole or any part of such damages and costs shall be borne by such municipality and be payable out of the general funds thereof.

(3) Where in any such proceedings by or against a municipality an amicable settlement has been arrived at and carried out by the advice of counsel the damages and costs payable under the terms of such settlement by any municipality shall be borne and paid as directed by the referee on application to him on behalf of the council of the municipality or any owner of lands assessed for the construction or maintenance of the drainage work, and in making such direction the referee shall have regard to the provisions of the next preceding sub-section. **98.**

98. A shorthand writer may from time to time be appointed by the Lieutenant-Governor in Council to report hearings or trials before the referee, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act. *See* 54 V. c. 51, s. 14.

Shorthand
writer.

Rev. Stat. c.
44.

99. The decision or report of the referee on appeals from assessment or for damages or compensation under section 93 with the evidence, exhibits, the statement (if any) of inspection or technical knowledge and the reason for his decision shall be filed in the office aforesaid, and notice of the filing shall forthwith be given by the clerk by post or otherwise to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor, and also the clerk of the municipality or other corporation. *See* 54 V. c. 51, s. 15; 55 V. c. 57, s. 5.

Clerk of court
to forward
notice of filing
report, etc., to
parties.

100. A copy of the decision or report certified by the referee or clerk aforesaid, shall be sent or delivered to the clerk of every municipality interested in the drainage work in question upon receipt of the sum chargeable therefor, as hereinbefore provided and shall be kept on file as a public document of the municipality. *See* 54 V. c. 51, s. 16.

Report to be
sent to clerk
of each municip-
ality inter-
ested.

101. The decision of the referee in all cases other than appeals from assessment or for damages or compensation under section 93 of this Act, shall be in the form of an order for judgment and may be delivered as are decisions by the judges of the Supreme Court of Judicature, and need not be in the form of a report, and unless appealed from to the Court of Appeal, as herein provided, judgment may be entered in the proper office without any further or other application or order. *See* 55 V. c. 57, s. 6 (2).

Decision to be
in form of
order for
judgment.

102. When an appointment is given by the referee for the hearing of any matter of reference under this Act in any city town or place wherein a court house is situated, he shall have in all respects the same authority as a judge of the High Court in regard to the use of the court house, or other place or apartments set apart in the county for the administration of justice. *See* 54 V. c. 51, s. 20.

Use of court
house.

103. Sheriffs, deputy-sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes, and upon the certificate of the said referee. *See* 54 V. c. 51, s. 21; 55 V. c. 57, s. 7.

Sheriffs, etc.,
to assist
referee—fees
therefor.

Rules and
practice.

104. Except as this Act otherwise provides and subject to the provisions thereof the rules and practice for the time being of the High Court of Justice are to be followed so far as the same are applicable. 54 V. c. 51, s. 22.

Evidence need
not be filed
except in cer-
tain cases.

105. In cases of reference to the referee other than appeals from assessment, or for damages or compensation under section 93, of this Act, or under sections 101 or 102 of *The Judicature Act* the evidence need not be filed, and shall only be written out at length by the shorthand writer if required by the referee or by the parties to the reference or one of them, and if required by the parties to the reference or one of them, copies shall be furnished upon such terms as shall be fixed by order in council. See 55 V. c. 57, s. 6 (1).

Time for
appealing to
Court of
Appeal.

106. The decision or report of the referee, on any appeal or reference under this Act, or on a reference under sections 101 or 102 of *The Judicature Act* or in any action or suit or proceeding transferred or referred to him under this Act shall be binding and conclusive upon all parties thereto unless appealed from, within one month after the filing thereof, to the Court of Appeal, save as otherwise provided by this Act in any case where it is declared that the decision of the referee shall be final. The decision or report may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the High Court. See 54 V. c. 51, s. 17.

Rules and Tariff of Costs.

Judges of
Supreme
Court may
make rules.

107. The judges of the Supreme Court shall have the same authority for making general rules and orders with respect to proceedings before the referee and appeals therefrom as they have with respect to *The Judicature Act*, and sections 105 to 108 of *The Judicature Act* shall apply thereto. 54 V. c. 51, s. 23.

Referee may
make rules.

108—(1) Subject to any such general rules or orders, the referee shall have power with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not governed by the county court tariff. 54 V., c. 51, s. 24 (1).

(2) Such rules and tariffs, whether made by the judges or the referee, shall be published in the *Ontario Gazette* and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof. 54 V., c. 51, s. 24 (2).

Tariff of
county court
adopted until
rules made.

109. Until other provisions are made under the last two preceding sections the tariff of the county court shall be the tariff of proceedings for solicitors and officers under this Act and the referee shall have the powers of a county judge with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one. See 54 V., c. 51, s. 24 (3).

110.

110. Costs are to be taxed by the referee ; or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed, or by any taxing officer of the High Court. *See* 54 V., c. 51, s. 24 (4). Taxation of costs.

111. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the said courts respectively, until other provision is made in that behalf by competent authority. 54 V., c. 51, s. 24 (5). Fees, how payable.¹

112. To provide a fund for or towards the payment of the referee's salary and other expenses, there shall be further payable a sum to be determined by the referee and mentioned in his decision or report or in a subsequent report, the same not to exceed the rate of four dollars a day for every full day the trial may occupy, and to be paid in stamps, and the said sum shall be paid by one or the other of the parties, or distributed between or among the parties as the referee directs. *See* 54 V., c. 51, s. 24 (6). Referee's fees

113. Reports shall not be given out until stamped with the necessary stamps. 54 V., c. 51, s. 24, (7). Reports to be stamped.

REPEALING CLAUSE.

114. The provisions of this Act are substituted for sections 568a to 611, both inclusive, of *The Consolidated Municipal Act, 1892*, so far as the said sections relate to drainage work ; and for *The Drainage Trials Act, 1891*, and the Act in amendment thereof, passed in the 55th year of Her Majesty's reign and chaptered 57, and all Acts and parts of Acts inconsistent with this Act are hereby repealed ; but such substitution and repeal shall not affect the validity or legality of any act, matter or thing heretofore done, made or suffered, or any by-law heretofore passed or the debentures issued or to be issued in pursuance of any such by-law, under the said sections or under any of the said Acts or parts of Acts so repealed, and the rights of all parties to any suit, action, reference, appeal or other legal proceeding now pending in respect of any such act, matter or thing, or in respect of any such by-law, shall, until such suit, action, reference, appeal or other proceeding is finally disposed of, be adjudicated upon and determined, and the costs thereof and any damages recovered therein shall be payable as between the parties to such suit, action, reference, appeal or other proceeding as if this Act had not been passed ; and the said sections of *The Consolidated Municipal Act, 1892*, shall, for the purpose of any reference thereto contained in any other part of the said Act relating to other matters than drainage work constructed by local assessment, be of the same force and effect as if this Act had not been passed. Act substituted for 55 V. c. 42, ss. 568a-611 ; 54 V. c. 51 and 55 V. c. 57.

115. This Act shall come into force on the first day of June, 1894. Commencement of Act.

CHAPTER 57.

An Act to amend The Ontario Game Protection Act, 1893.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

56 V. c. 49, s.
4 sub-s. 5,
amended.

1. Sub-section 5 of section 4 of *The Ontario Game Protection Act, 1893*, is hereby amended by striking out all the words in the last three lines thereof, and substituting therefor the following words :— “ snipe, woodcock or partridge, no matter where killed or procured, before the fifteenth day of September, 1897, or any quail or wild turkey before the fifteenth day of October, 1897.”

56 V. c. 49,
s. 8 sub-s. 1,
amended.

2. Sub-section 1 of section 8 of the said Act is hereby amended by striking out the words “ sable ” and “ marten ” in the first line thereof, and by substituting the word “ January ” for the word “ November ” in the seventh line thereof.

56 V. c. 49, s.
10, amended.

3. Section 10 of the said Act is amended by adding at the end thereof the following words :—“ But this shall not be held to prevent any person from shooting or hunting upon his own lands, or upon any lands over which he has a legal right to shoot or hunt any game which he does not know, or has not good reason to believe, to be the property of some other person.”

56 V. c. 49,
s. 14 sub-s. 4
amended.

4. Sub-section 4 of section 14 is hereby amended by striking out all the words in the first two lines thereof, after the words “ Provincial Secretary.”

56 V. c. 49,
s. 26 repealed.

5. Section 26 of the said Act is hereby repealed, and the following substituted therefor :—

52 V. c. 50,
ss. 6, 7,
amended.

26. Sections 6 and 7 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 50, are hereby amended by striking out the words “ the Minister of Agriculture or his deputy ” where they occur in the said sections, and inserting in lieu thereof the words “ the chief game warden for the time being under *The Ontario Game Protection Act, 1893*.”

6. Sub-section 1 of section 27 of the said *Ontario Game Protection Act, 1893*, is hereby amended by substituting the words "any unorganized township, or territory not divided into townships" for the words "the unorganized districts" in the second line of the said sub-section. 56 V. c. 49,
s. 27 sub-sec
1, amended.

7. Section 22 of the said Act is amended by adding thereto the following proviso :— 56 V. c. 49,
s. 22 amended.

Provided that where a violation of the provisions of section 9 of this Act, has taken place through *bona fide* mistake or inadvertence, the convicting justice may relieve from the operation of this section. Vio a
Act thro
mistake.

CHAPTER 58.

An Act to amend The High Schools Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

54 V. c. 57.
s. 6, sub-s.
amended.

1. Sub-section 1 of section 6 of *The High Schools Act, 1891*, is amended by adding at the end thereof the following words:—

“Any change made as aforesaid shall not relieve the lands in a high school district or any portion thereof from any rates legally imposed for the issue of debentures or from any other debts legally incurred prior to such change.”

54 V. c. 57, s.
30, amended.

2. Section 30 of the said Act is amended by inserting at the end thereof the following words: “and shall so pay the same without any abatement because of fees paid by county pupils.”

Act to be
deemed de-
claratory.

3. The amendments to the said Act herein contained shall be deemed to be declaratory of the meaning and intention of *The High Schools Act, 1891*.

CHAPTER 59.

An Act to amend The Separate Schools Act.

Assented to 5th May, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 12 of section 31 of *The Separate Schools Act* is hereby amended by adding thereto the words following:—"save and except as otherwise provided by section 31a of this Act." Rev. Stat. c. 227, s. 31, sub-sec. 12, amended.

2. The said Act is further amended by inserting after section 31 thereof the following section :— Rev. Stat., c. 227, amended.

31a.—(1) The board of separate school trustees of any city, town, or incorporated village may, by resolution, to be passed between the first day of May and the first day of October in any year, require that in case of a poll at the election of a member of the board, the votes shall be given by ballot. Any such board of separate school trustees may in like manner discontinue the use of the ballot in such elections, and thereafter elections for the purposes of this Act shall be conducted as provided in section 31 of this Act. Adoption of ballot. Trustees may discontinue use of ballot at elections.

(2) Where any such board of separate school trustees require the polling at elections to be held by ballot as aforesaid and elections are so held, no change shall be made in the mode of voting at such elections for a period of three years, and should the mode of voting at such elections by ballot be discontinued at any time, then the provisions of section 31 of this Act shall apply for a period of three years at least after such discontinuance; Ballot not to be discontinued or resumed for three years after the change.

(3) In every case in which the polling at an election of separate school trustees is, by resolution, as aforesaid, required to be by ballot, the votes shall be given by ballot, and the provisions of this section shall apply to such election. Mode of conducting elections by ballot.

Ballot Boxes.

(4)—(a) Where at any such election a poll is required, the secretary-treasurer of the urban school board shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are polling places fixed by the board in respect of such election. Ballot boxes to be furnished.

(b)

- How made (b) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.
- Delivery of to returning officers. (c) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of said secretary-treasurer, two days at least before the polling day, to deliver one of the ballot boxes to every returning officer appointed for the purposes of the election.
- Secretary-Treasurer to preserve boxes for future elections. (d) The ballot-boxes, when returned to the secretary-treasurer after the election, shall be preserved by him for use at future elections; and it shall be the duty of the secretary-treasurer to have ready for use, at all times, as many ballot boxes as there are wards in the municipality.
- Penalty on failure to furnish boxes. (e) If the secretary-treasurer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.
- Returning officer to procure boxes when not supplied. (f) It shall be the duty of every returning officer not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the secretary-treasurer of the school board for the cost of the ballot box, and the secretary-treasurer shall pay to the returning officer the amount of the order.

Ballot Papers.

- Ballot papers to be printed (5)—(a) Where a poll is required, the said secretary-treasurer shall forthwith cause to be printed, at the expense of the urban school board, such a number of ballot papers as will be sufficient for the purposes of the election.
- Contents and form of ballot papers. (b) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names.
- Form of ballot papers. (6) The ballot papers shall be in the form of Schedule A to this Act.

Polling Places.

(7) The said secretary-treasurer shall, before the opening of the poll, deliver or cause to be delivered to every returning officer the ballot papers which have been prepared for use in the polling place for which such returning officer has been appointed to act, and shall also furnish to the returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the returning officer for the convenient use of voters.

Secretary-treasurer to furnish deputy returning officers with ballot papers, etc.

(8) Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the returning officer to see that a proper compartment for that purpose is provided at each polling place.

Compartment wherein voters may mark votes.

(9) The said secretary-treasurer shall, before the poll is opened, deliver to the returning officer for every polling place, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling place, together with a blank poll book according to the form of schedule B to this Act.

Delivery of copies of voters' list poll book and defaulters' list to returning officers.

(10) The returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Returning officer to shew box empty to persons present and then lock and seal it.

(11) Where a person claiming to be entitled to vote presents himself for the purpose of voting, the returning officer shall proceed as follows:

Proceedings by returning officer on tender of vote.

(a) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the polling place for which such returning officer is appointed to act.

Name.

(b) He shall record or cause to be recorded in the proper columns of the poll book the name, qualification, residence and legal addition of such person.

Recording.

(c) If such person takes the oath or affirmation required to be taken by voters in the manner hereinafter directed by this section the returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact.

Oath.

(d)

Objection.

(d) Where the vote is objected to by any candidate or his agent, the returning officer shall enter the objection, or cause the same to be entered in the poll book, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating, at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate.

Refusal to take the oath.

(e) Where such person has been required to take the oath or affirmation, and refuses to take the same, the returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200.

Returning officer to mark ballot paper and voter's list.

(f) Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the returning officer shall, before signing his name or initials on the back of the ballot paper, place or cause to be placed a check or mark opposite to the name of the voter in the certified voter's list to indicate that the name of such person has been entered in the poll book and the person allowed to vote.

Delivery of paper to voter.

(g) The ballot paper shall be delivered to such person.

Returning officer to explain mode of voting.

(h) The returning officer may, and upon request shall, explain to the voter, as concisely as possible, the mode of voting.

Returning officer refusing, etc. to initial ballot paper.

(12) Every returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as hereinbefore provided for shall forfeit to any person aggrieved by such refusal, or omission, the sum of \$10, in respect of every ballot paper deposited at his polling place upon which the said returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by this Act.

Marking ballot paper.

(13) Upon receiving from the returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper by placing a cross, thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such

such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper and so as to expose the initials of the returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one, or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

(14) While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Exclusion
from balloting
compartment.

(15) No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the returning officer shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and the returning officer shall return the said ballot paper to the said secretary-treasurer, as hereinafter directed.

Voter not to
take his ballot
paper from
polling place.

(16) In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

Proceedings in
case of incapacity to mark
ballot paper.

(a) The returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.

(b) The returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

- (c) The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule C to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the returning officer, who shall attest the same as nearly as may be according to the form given in Schedule D to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting.

Proceedings in case ballot paper cannot be used.

- (17) A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and the returning officer shall return the ballot paper to the said secretary-treasurer as hereinafter directed.

Who may be present at polling place.

- (18) During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks, or agents, authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the returning officer, be obstructing the polling or wilfully violating the provisions of this Act.

Counting the votes.

- (19) Immediately after the close of the poll in every polling place, the returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows :

Rejected ballots.

- (a) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the returning officer on the back, is written or marked, by which the voter can be identified, shall be void and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office.

(b)

- (b) The returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Returning officer to note objections.
- (c) Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the returning officer. Numbering objections and ballot papers.
- (d) The returning officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall indorse "*Rejection objected to,*" if any objection is made to his decision. Endorsing ballot paper.
- (e) The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads of (1) name or number of polling place and of the municipality and the date of election; (2) number of votes for each candidate; and (3) rejected ballot papers. Statement.
- (f) Upon the completion of the written statement, it shall be forthwith signed by the returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. Statement to be signed.
- (20) No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. Agents entitled to be present.
- (21) Every returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers. Receiving officer to give certificate of state of poll.
- (22)—(a) Every returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the returning officer, and of the polling

ing place and municipality, (1) the statement of votes given for each candidate and of the rejected ballot papers; (2) the used ballot papers which have not been objected to and have been counted; (3) the ballot papers which have been objected to, but which have been counted by the returning officer; (4) the rejected ballot papers; (5) the spoiled ballot papers; (6) the unused ballot papers; and (7) a statement of the number of voters whose votes are marked by the returning officer under the heads "Physical incapacity" and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box;

Declaration by returning officer as to use of voters' list.

- (b) Before returning the voters' list to the secretary-treasurer the returning officer shall make and subscribe before a justice of the peace, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule E to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in the presence of said secretary-treasurer, by any elector entitled to vote at said election;

Packets of ballot papers, etc., to be delivered to the secretary-treasurer.

- (c) The returning officer shall forthwith deliver such packets personally to the said secretary-treasurer; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the said secretary-treasurer; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the said secretary-treasurer;

Statement to be made by returning officer on return of ballot papers, etc.

- (d) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as the "Ballot Paper Account;"

(e)

- (e) If the returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the returning officer, the packages of ballot papers shall be broken open by the said secretary-treasurer in the presence of the returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the returning officer; and said secretary-treasurer, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the said secretary-treasurer shall forthwith, in the presence of the returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before.

Disputes, how settled.

- (23) The said secretary-treasurer, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall declare to be elected the candidate or candidates having the highest number of votes, and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Secretary-treasurer to cast up votes and declare who is elected, etc.

- (24) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll, shall, at the time of declaring the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

In case of a tie who to have a casting vote.

- (25) The said secretary-treasurer shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by returning officers, and then, unless otherwise directed by an order of a court or judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the chairman of the board, and shall be filed amongst the records of the board by said secretary-treasurer.

Ballot papers, how disposed of.

- (26).—(a) No person shall be allowed to inspect any ballot papers in the custody of the said secretary-treasurer except under the order of a court or judge

Ballot papers to be inspected only by order of a Court or Judge.

judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary-treasurer.

Order may be subject to conditions.

(b) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the court or judge making the order thinks expedient.

Recount of votes by the County Judge.

(c) In case it is made to appear, on the affidavit of a credible person, to the county judge of the county or district in which the election has been held, at any time within fourteen days from the time the ballot papers are received by the said secretary-treasurer, that a returning officer at any such election in counting the votes has improperly counted or rejected any ballot papers at such election, the county or other judge may appoint a time to recount the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to recount the same.

Deposit by applicant.

(d) At the time of the application for a recount, the applicant shall deposit with the clerk of the county or district court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the judge.

Who may be present at recount.

(e) The county or district judge, the said secretary-treasurer with the ballot boxes, and each candidate and his agent appointed to attend the recount of votes, and no other person except with the sanction of the county or other judge shall be present at the recount of the votes.

Opening of packets.

(f) At the time and place appointed the county or other judge shall proceed to recount all the votes or ballot papers received by the said secretary-treasurer, and shall in the presence of the parties aforesaid. if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the deputy-returning officer; (c) the rejected ballot papers; (d) the spoiled

spoiled ballot papers ; (e) the unused ballot papers ; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

- (g) The county or other judge shall, as far as practicable, proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the county or other judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

Recount to be a continuous proceeding.

- (h) The county or other judge shall proceed to recount the vote as follows :

Procedure on re-count.

Firstly.—He shall examine the ballot papers.

Secondly.—Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the returning officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but no word or mark written or made, or omitted to be written or made by the returning officer on a ballot paper, shall avoid the same.

Thirdly.—The county or other judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the county or other judge shall be final.

Fourthly.—The county or other judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following: (1) name of municipality; (2) names of the candidates; (3) number of votes for each candidate; (4) papers

wanting

wanting signature or initials of returning officer ; (5) papers rejected as voting for more candidates than entitled to ; (6) papers rejected as having a writing or mark by which voters' could be identified ; (7) papers rejected as unmarked or void for uncertainty.

Fifthly.—Upon the completion of the recount, or as soon as he has thus ascertained the result of the poll, the county or other judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the said secretary-treasurer, who shall then declare to be elected the candidate having the highest number of votes ; and in case of an equality of votes, the casting vote shall be given by the person designated in, and as provided by sub-section 24 of this section.

Existing remedies not affected.

(27) Nothing in this section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise.

Costs of application.

(28)—(a) All costs, charges and expenses of, and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(b) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the county court, or district court, as the case may be.

Recovery of costs.

(c) The payment of any costs ordered to be paid by the judge may be enforced by an execution against goods and chattels, to be issued from the county court, or district court, as the case may be, upon filing therein the order of the judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

Production of documents and endorsements on ballot papers evidence for certain purposes.

(29) Where a rule or order is made for the production by the said secretary-treasurer of any document in his possession relating to a specified election, the production of the document by him, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election ; and any endorsement appearing on any

any packet of ballot papers produced by the said secretary-treasurer, shall be evidence of such papers being what they are stated to be by the endorsement.

(30)—(a) No person shall—(1) Without due authority Offences.

supply any ballot paper to any person; or (2) fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or (3) fraudulently take out of the polling place any ballot paper; or (4) without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or (5) apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

(b) No person shall attempt to commit any offence specified in this sub-section. Attempts to commit offences.

(c) A person guilty of any violation of this sub-section shall be liable, if he is such secretary-treasurer, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. Penalty by imprisonment.

(31) Every officer and secretary-treasurer who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of any of the preceding sub-sections of this section, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. Money penalty for offences.

(32)—(a) Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling places.

(b) No officer or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(c) No officer, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates

for

for whom any voter at such polling place is about to vote or has voted.

(d) Every officer and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(e) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

Penalty for
contravening
this section.

(f) Every person who acts in contravention of this sub-section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Statutory
declaration of
secrecy.

(33) Every such secretary-treasurer, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence of a Justice of the Peace, and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule F to this Act, or to the like effect.

No one com-
pellable to dis-
close his vote.

(34) No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted.

Candidates
may under-
take duties of
an agent.

(35) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read.

Expressions
referring to
agents.

(36) When in any of the preceding sub-sections of this section expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time or place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done.

Non-attend-
ance of agents.

(37)

(37) In reckoning time for the purposes of this section, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this section to be done on a day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the office of trustee.

Public holidays, etc., excluded in reckoning time, except for nomination and election of trustees.

(38) No election shall be declared invalid by reason of a non-compliance with the rules contained in this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not effect the result of the election.

No election to be invalid for want of compliance with principles of Act where result not affected.

(39) The reasonable expenses incurred by any such secretary-treasurer and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets, required to be transmitted by this section, and reasonable fees and allowances for services rendered under this section, shall be paid by the Board of Trustees through its secretary-treasurer, who shall pay over and distribute the same to the several persons entitled thereto.

Expenses incurred by officers to be refunded.

(40) In case any objection is made to the right of any person to vote under the provisions of this section, the returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:—

Oath to be administered when voters objected to.

You swear (*or solemnly affirm*) that you are the person named, or purporting to be named, in the list of voters now shewn to you (*showing the list to the voter*);

Form of oath.

That you are a ratepayer;

That you are a British subject by birth (*or naturalization*);

That you are of the full age of twenty-one years;

That you are a separate school supporter;

That you have not voted before at this election.

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God.

3. This Act shall not come into force until the first day of May in the year one thousand eight hundred and ninety-five.

Commencement of Act.

4. *The Separate Schools Act* is hereby further amended by adding thereto the Schedules to this Act as Schedules A., B., C., D., E. and F. of the said Act:—

Rev. Stat., c. 227, amended.


SCHEDULE

SCHEDULE A.


(Section 31a, (6).)

FORM OF BALLOT PAPER.

(1. *In the case of Cities and Towns divided into Wards.*)

 <p>Election for Separate School Trustee for the Ward, of the of , held the day of January, 18 .</p>	<p>FOR SEPARATE SCHOOL TRUSTEE.</p>	<p>ARGO. James Argo, City of Gentleman.</p>
		<p>BAKER. Samuel Baker, City of Baker.</p>
		<p>DUNCAN. Robert Duncan, City of Printer.</p>

(2. *In the case of a Municipality not divided into Wards.*)

 <p>Election for Separate School Trustees for the Village of , held the day of January, 18 .</p>	<p>FOR SEPARATE SCHOOL TRUSTEE.</p>	<p>BULL. John Bull, of the Village of Butcher.</p>
		<p>JONES. Morgan Jones, of the Village of Grocer.</p>
		<p>McALLISTER. Allister McAllister, of the Village of Tailor.</p>
		<p>O'CONNELL. Patrick O'Connell, of the Vill- age of Milkman.</p>

SCHEDULE B.

(Section 31a (9).)

FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Pro- perty in respect of which the voter is entitled to vote.	Freeholder, House- holder, Tenant, or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	REMARKS.

SCHEDULE C.

(Section 31a (16) (c).)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of _____, named on the voters' list for ward No. _____, in the City (*or as the case may be*) of _____, being a legally qualified elector for the election of a separate school trustee for the said ward (*or as the case may be*), do hereby declare that I am unable to read (*or that I am from physical incapacity unable to mark a voting paper, as the case may be*).

(A. B. His X mark.)

The _____ day of _____, A.D. 18 _____.

SCHEDULE D.

(Section 31a (16) (c).)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the Returning Officer for ward No. _____, for the City (*or as the case may be*) of _____, do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named A.B., was signed by him in my presence with his mark.

(Signed) _____ C. D.,
Returning Officer for Ward
No. _____, in the City,
(*or as the case may be*) of _____

Dated this _____ day of _____, A.D., 18 _____.

SCHEDULE E.

(Section 31a (22) (b).)

OATH OF RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, C. D., the undersigned Returning Officer for Ward No. _____, of the City (*or as the case may be*) of _____, do solemnly swear (*or if he is a person permitted by law to affirm*)

affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said Ward No.

of the said City (*or as the case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed)

C. D.,
Returning Officer.

Sworn (*or affirmed*) before me at _____, this
day of _____, A.D. 18 _____.

(Signed)

X. Y.,
Justice of the Peace.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

SCHEDULE F.

(Section 31a (33).)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that I will not at this election of a Separate School Trustee for the ward of the City (*or as the case may be*) of _____, disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at _____, this _____ day of
A.D. 18 _____.

C. D.,
Justice of the Peace.

CHAPTER 60.

An Act respecting Upper Canada College.

Assented to 5th May, 1894..

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.** **1.** This Act shall be known as *The Upper Canada College Act, 1894.*
- Present endowment.** **2.** All property and effects, real and personal, vested in the Crown when this Act takes effect, in trust for the purposes of Upper Canada College, shall remain so vested for the purposes of the said college, subject to the provisions of this Act. R. S. O., 1887, c. 231, ss. 1, 4; 55 V., c. 63, s. 1.
- Permanent fund** **(2)** All such property, and the purchase money of any part thereof which may be sold, and the principal of all money invested shall be deemed permanent property, and shall not, except as hereinafter provided, be diminished or expended, but shall remain as a permanent fund for the support of the college and for the purposes of this Act. *See* R. S. O., 1887, c. 231, s. 17.
- Future property.** **(3)** All property, real and personal, that may hereafter be granted, devised or bequeathed to or for the college, shall be vested in the Crown in trust for the purposes and support of the College, subject to the provisions of this Act and to the terms of the grant, devise or bequest. *See* R. S. O., 1887, c. 231, s. 6.
- Income fund.** **3.** The income from the endowment of \$100,000 set apart for the said College, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property real and personal held for the benefit of the college (except property touching which it has been otherwise ordered by the donors) shall form the income of the college. R. S. O., 1887, c. 231, s. 10.
- Surplus of income.** **(2)** Any surplus of the income fund remaining at the end of the financial year shall be treated as permanent funds unless the Lieutenant-Governor in Council shall during the next year authorize the expenditure thereof. R.S.O., 1887, c. 231, s. 18.
- Visitor.** **4.** The Lieutenant-Governor shall be the visitor of the said college on behalf of the crown and his visitorial powers may be exercised by commission under the Great Seal, the proceedings

ings whereof, having been first confirmed by order in council, shall be binding upon the college and all persons whomsoever. R. S. O., 1887, c. 229, s. 2.

5. The college shall be under the management of nine trustees, appointed as follows :—Five shall be appointed by the Lieutenant-Governor, and four shall be elected by the association of former pupils of the college, known as the “Upper Canada College Old Boys’ Association.” R. S. O., 1887, c. 229, s. 3. Board of trustees.

(2) The said trustees shall hold office for three years from date of appointment or election, and thereafter until their successors are appointed or elected, and shall be eligible for re-election or re-appointment. Tenure of office of Board.

(3) The mode of election of the trustees to be elected by the said association and the qualifications of electors and such trustees shall be fixed by by-law of the association approved by the Lieutenant-Governor in Council. Election of trustees.

(4) The first election of trustees under this Act shall be held not later than 1st July, 1894. First election.

(5) The present trustees of the College shall continue until the 1st of July next, or until trustees are appointed and elected under this Act. Present trustees continued.

(6) In case a vacancy shall occur by the death, resignation or removal from the Province of any trustee elected by the association before the expiry of his term of office, the committee of the association shall thereupon appoint another member of the association for the unexpired period of the term. Vacancies.

(7) The Provincial Secretary shall notify the president of the association of all appointments made from time to time by the Lieutenant-Governor to the board of trustees. Notice of appointments.

6. The trustees shall have the following powers :

(1) They shall have the management of the endowment and permanent funds and of all other property of the college, subject to such regulations as may be approved by the Lieutenant-Governor in Council. Powers of trustees as to property. Management of funds.

(2) They may invest the said endowment and permanent funds in any stock, debentures or securities of the Dominion of Canada or of this Province, in the debentures of any municipality of this Province or in securities which are a first charge on land held in fee simple, provided that such investments are in other respects reasonable and proper, and also from time to time may vary such investments as aforesaid for others of the same nature, and at their discretion may call in any trust funds invested in any other securities and invest the same in any stock, debentures or securities as aforesaid, or in other securities that may be approved of by the Lieutenant-Governor in Council. Investments.

Leases.

(3) They may lease any part of the said property not required for the business or accommodation of said college for any period of time not exceeding forty-two years, with clauses for further renewals, subject to such regulations as may have been approved by the Lieutenant-Governor in Council.

Holding lands.

(4) They shall, subject to the approval of the Lieutenant-Governor in Council, have the expenditure of the income of the college for the purpose of defraying the current expenses thereof.

Moneys granted or bequeathed for scholarships, etc.

(5) They shall receive and invest, subject always to the directions of the grant or bequest, all moneys granted or bequeathed for the purposes of the college, and may upon terms to be approved of by the Lieutenant-Governor in Council provide for free tuition and maintenance in the said college of pupils nominated by persons subscribing to the endowment fund of the college, and may also found master-ships, exhibitions, scholarships or prizes to be named as the donors may direct and the trustees may approve.

Regulations as to discipline.

(6) They may make regulations for holding examinations for the admission of pupils to the college or for their promotion from time to time, for determining the fees to be paid by pupils for tuition and maintenance, for promoting the efficiency of the college, for the moral and religious training of the pupils and their attendance on public worship at their respective churches or other places of worship, and for their religious instruction by their respective ministers, for the care of college property, and generally for carrying this Act into effect. R. S. O., c. 229, s. 6.

Masters.

7. There shall be in the college a principal and such masters, officers and servants as may from time to time be recommended by the trustees and approved by the Lieutenant-Governor in Council; and the trustees shall report to the Lieutenant-Governor in Council as they may deem expedient with regard to such changes in the teaching staff of the college, or in the officers and servants thereof, or with regard to the salaries or other allowances to be paid to such masters, officers or servants and generally with respect to any matter which in their opinion affects the interests of the college

Regulations by principal.

8. The principal may make regulations for the direction of the masters, officers and servants, in regard to their respective duties and for the discipline and instruction of the pupils of the college in such matters and to such extent as he may deem expedient, subject to the approval of the trustees and the Lieutenant-Governor in Council. R. S. O., 1887, c. 229, s. 7.

Qualifications of masters.

9. All masters hereafter appointed to the college shall possess the same qualifications as masters or assistants in High Schools

Schools or as may be required by the board of trustees, subject to the approval of the Lieutenant-Governor in Council, and the college in regard to its method of instruction, discipline and organization shall be subject to the same inspection as High Schools or such further inspection as the board of trustees with the sanction of the Lieutenant-Governor in Council may direct. R. S. O., 1887, c. 229, s. 8.

10. A certified copy of every regulation made under this Act by the trustees of the college and of every regulation made by the principal, after being approved by the trustees, shall be transmitted within ten days from the passing thereof to the Minister of Education to be by him submitted to the visitor for his approval and no regulation shall be of any force or effect until so approved. R. S. O., 1887, c. 229, s. 9.

Regulations to be forwarded to minister.

11. (1) The trustees shall, on or before the 15th day of January in every year, transmit to the Minister of Education an annual account of the property of the said college and of its receipts and disbursements. Such account shall, with such other matters as the trustees may deem advisable, shew the total investments in the permanent fund of the college and the annual income therefrom, and the amount received from fees, interest, donations or other sources, and a detailed account of the amount expended in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries and the purposes of such buildings. See R. S. O., 1887, c. 231, s. 12.

Trustees to furnish annual accounts.

(2) The principal of the college shall report to the Minister of Education on or before the 15th day of January in every year the annual attendance of pupils, the number in each class, form or subject, the number admitted or promoted each term, the number retiring from the college, with reasons for their retirement, and generally such other information as he may deem expedient, or as may be required by the Minister of Education. R. S. O., 1887, c. 229, s. 11.

Report by principal.

12. The said trustees may appoint a bursar for the college who shall hold office during pleasure. He shall also act as secretary of the board of trustees. The salary to be paid the bursar shall be subject to the approval of the Lieutenant-Governor in Council.

Bursar.

13. The bursar shall have a seal of office and his duties shall be:—

Duties of bursar.

(1) To keep the minutes of the proceedings of the board of trustees.

(2) To collect and receive all moneys payable on account of the permanent and income fund of the college and deposit the same, day by day, in a chartered bank approved of by the trustees.

(3) To give such security for the due fulfilment of his duties as shall be required by the board of trustees.

(4) To carry out such investments as may be approved of by the board of trustees and to execute such conveyances, leases, mortgages and other instruments affecting the same as may be ordered by the board of trustees.

(5) To pay such appropriations out of the income or other fund of the college as have been approved by the board of trustees.

(6) To give such information respecting the income and expenditures of the college as may be required by the board of trustees or any member of such board.

(7) To submit for audit to the board of trustees at the close of each financial year all books, papers and vouchers relating to his accounts for the preceding twelve months.

(8) To discharge such other duties as the trustees may require. *See R. S. O., 1887, c. 231, ss. 8-12.*

Liability of
bursar.

14. The bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as bursar, be deemed to be an officer employed in the collection of the provincial revenue, and shall, in case of default, be liable to be dealt with accordingly. *See R. S. O., 1887, c. 231, s. 11.*

Permanent
improvements.

15. The Lieutenant-Governor in Council may on the application of the trustees from time to time authorize such permanent improvements or additions to the buildings of the college or the erection and equipment of such new buildings as may be necessary, and may direct the cost thereof to be paid out of the permanent fund of the college, provided however that every order in council directing payment from the permanent fund for the purposes aforesaid shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. *See R. S. O., c. 231, s. 25.*

Issue of
debentures
authorized.

16. The Lieutenant-Governor by order in council may provide for the issuing of debentures upon the credit of the permanent fund of the college to an amount not exceeding in all \$25,000 outstanding at one time. Such debentures shall run for such periods and at such rate of interest as shall seem proper to the Lieutenant-Governor in Council, and the proceeds arising from the sale of such debentures and the application thereof shall be subject to the regulations of the Lieutenant-Governor in Council.

(2) The principal money secured by such debentures shall be a first charge upon the permanent fund of the college, and the interest on such debentures shall be a first charge upon the income fund of the said college, and principal and interest shall be paid out of the permanent and income funds in preference to all other claims. Such debentures may be issued in currency or sterling, and may be made payable in London, England, or in Canada. *See R. S. O., 1887, c. 231, s. 5; 55 V., c. 62, s. 1.*

Debentures to be a charge on permanent fund of the college.

17. For all the purposes of this Act and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall commence on the first day of July and end on the 30th day of June following. *See R. S. O., 1887, c. 231, s. 26; 55 V., c. 62, s. 3.*

Fiscal year.

18. The mortgages or other instruments representing the investments of the college shall be made to and taken in the name of the bursar in his official character and his successors in office, and the bursar and his successors shall have and possess such powers with respect to the releasing, discharging or assigning such securities under his seal of office as may from time to time be assigned to him by any order of the board of trustees duly entered in the minutes of their proceedings and approved by the Lieutenant-Governor in Council. *See R. S. O., 1887, c. 231, s. 15.*

Mortgages to bursar.

(2) All transfers and conveyances made by the bursar under his hand and seal of office under the authority of the trustees, approved by the Lieutenant-Governor in Council, may be according to the form in the Schedule to this Act or in words to the like effect, and the same shall, to all intents and purposes, grant, transfer and convey the lands therein set forth to the parties therein specified according to the quality of the estate and the conditions and provisions therein mentioned in the same manner and with the like effect as if the same had been directly granted by the Crown, but nothing herein contained shall prevent the Crown from granting such lands directly. *See R. S. O., 1887, c. 231, s. 13.*

Conveyances by bursar.

(3) All transfers and conveyances shall be registered in the office of the registrar in whose division the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private parties. *See R. S. O., 1887, c. 231, s. 14.*

Registration of conveyances.

19. The trustees may make regulations, to be approved by the Lieutenant-Governor in Council, for the retirement and superannuation of any teacher, officer or servant of the college now employed, and any gratuity or superannuation allowance paid under this Act shall be a charge upon the permanent fund of the college, and shall be paid out of the same, or out of the income fund as the trustees may direct, provided that

Superannuation.

that this Act shall not be deemed to interfere with the provisions in any order in council relating to superannuation of masters in force at the passing thereof.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session after the regulation is made.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the regulation is laid before the House then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or in part, the regulation so far as disapproved of, shall have no effect from the time of such resolution being passed. R. S. O., 1887, c. 229, s. 12.

Returns to
Legislative
Assembly.

20. Copies of the annual reports and of the regulations of the trustees or principal, which may have been approved of by the visitor, shall be laid before the Legislative Assembly at the then next session thereof. R. S. O., 1887, c. 229, s. 13.

Certain
enactments
repealed.
R.S.O. c. 229
R.S.O. c. 231
in part.
55 V. c. 63 s. 6.
repealed.

21. Chapter 229, of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Upper Canada College*, is hereby repealed, and so much of Chapter 231 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting the income and property of Toronto University and University College*, as relates to Upper Canada College, and, as is inconsistent with this Act, is hereby repealed. Section 6 of the Act passed in the 55th year of Her Majesty's reign, chaptered 63, intituled *An Act to empower the University of Toronto to deal with certain Upper Canada College Lands*, is also repealed.

SCHEDULE A.

(Section 18 (2).)

FORM OF CONVEYANCE.

To all whom these presents shall come :

Whereas, A. B., of _____ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, in trust, for Upper Canada College ; and whereas, under and by virtue of *The Upper Canada College Act, 1894, C. D.*, of _____

the bursar of the said College has been authorized to transfer and convey any of the property aforesaid, to purchasers

chasers and others entitled to receive conveyances thereof ; Now these presents witness that the said C. D., as such bursar, under and by virtue of the said Statute, and in consideration of the sum of paid therefor by the said A. B., doth grant unto the said grantee in fee simple, (*or as the case may be*), all, etc., (*parcels*).

(Here insert covenants or any other provisions.)

In witness whereof the said C. D., as bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, etc.

Signed, sealed and delivered } C. D.,
in the presence of } Bursar, [L.S.]

R. S. O., 1887, c. 231, Sched.

CHAPTER 61.

An Act to consolidate certain Debts of the Town of
Barrie.*Assented to 5th May, 1894.*

Preamble.

WHEREAS the corporation of the town of Barrie have by their petition represented that certain debenture debts of the said town, that is to say: a debenture debt of the said town, charged on all the property therein ratable for public school purposes, amounting to the sum of \$12,000 incurred for the building of public schools, and two other debenture debts of the said town, amounting to \$6,000 and \$3,600 respectively, incurred for the building of a collegiate institute in the said town, will mature on the 1st day of July, 1896, 1898 and 1900 respectively, and only the sum of \$3,817.45 is now on hand and invested available as a sinking fund towards the redemption of the said debenture debts, but the interest on all said debts has been paid up to date; and whereas the council of the said corporation alleges that under the by-law creating the first mentioned debenture debt a sufficient amount has been levied upon and collected from the property ratable for public school purposes, had the same been invested and interest on the instalments thereof capitalized from time to time, to meet the said \$12,000 debenture debt and interest, but all the sums levied therefor and for said two other debenture debts save the sum of \$3,817.45 now on hand as aforesaid, have been applied towards the redemption of other debenture debts of the said town or towards other general town purposes; and whereas the said corporation have incurred a floating debt of \$10,000 arising from extraordinary expenditure in grading and repairing the streets of the said town after a disastrous flood in the month of June, 1890, and from aiding in the construction of sewers and from other causes, and to liquidate said floating debt forthwith in addition to the ordinary annual expenditure and burdens would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said three debenture debts aforesaid, amounting to \$21,600, and the said floating debt of \$10,000 less the said sum of \$3,817.45 may be consolidated as a debt due generally by the said town, and that they may be authorized to issue consolidated debentures from time to time for the payment of said floating debt and the redemption and retiring of said debentures; and whereas the board of trustees of the Roman Catholic Separate School in the said town of Barrie alleges that a sufficient sum has not been levied to meet the said \$12,000 debenture debt and the annual interest thereon

thereon and the ordinary yearly maintenance of said public schools, and that the corporation of the said town has from time to time advanced and paid out to the public schools in the said town large sums of money in excess of the total revenue collected from property ratable for public school purposes, and claims that if the debts of the said town are consolidated provision should be made for the taking of the accounts between the said town and the public schools therein since and including the year 1871, and that the just proportion of the balance of the said debenture debt of \$12,000 and of the sums owing by the said public schools to the town in respect of the said advances and of all other sums found to be owing upon a taking of accounts should be forthwith after the taking of the said accounts paid to the said board of trustees of the Roman Catholic Separate School in the said town; and whereas it is further claimed on behalf of the public school board of the said town that previous to the year 1876 the sinking fund and interest on a certain other public school debenture debt then outstanding had been levied by error under the general rate, and that in the said year 1876 a sum of money was paid by the said town to the board of trustees of the Roman Catholic Separate School for the said town and accepted by the said last mentioned board in full settlement for share of said debenture debt erroneously levied on the Separate School ratepayers; and whereas it is expedient that provision should be made for the taking of accounts hereinafter referred to in the manner hereinafter directed; and whereas it is expedient to grant the prayer of the said petition subject to the provisions of this Act;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said debts above mentioned after applying the sinking fund as aforesaid are hereby consolidated at the sum of \$27,000; and it shall be lawful for the corporation of the said town of Barrie to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sums to retire the balance of the said debentures above set out, amounting to \$21,600, as they respectively become due, and to pay off the said floating debt of \$10,000, not exceeding in the whole the sum of \$27,000, exclusive of interest thereon.

Debts consolidated at \$27,000.

2. It shall be lawful for the corporation of the town of Barrie, from time to time, to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town, in such sums not exceeding in the whole the sum of \$27,000 as the said corporation may from time to time direct; and the principal sum secured by the said debentures and

Issue of debentures for \$27,000.

and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere.

Power to raise money on debentures.

3. The corporation of the said town may for the purposes aforesaid raise money by way of loan on the said debentures in this Province or in Great Britain, or elsewhere, or by the sale of the said debentures from time to time as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than thirty years from the date thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly or half-yearly as the said corporation may direct and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the said three debenture debts firstly above mentioned and in payment of the said floating debt of \$10,000 and in no other manner, and for no other purpose whatsoever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Power to call in outstanding debentures.

8. The treasurer of the said corporation may, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the said three debentures above mentioned before the maturity thereof, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, heretofore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the three said outstanding debentures or any of them.

9. It shall not be necessary to obtain the assent of the electors of the said town of Barrie for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of electors not required.

55 V., c. 42.

10. It shall be the duty of the treasurer of the said town from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures now outstanding.

Treasurer to keep proper books of account.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or in the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing said by-law or issue of debentures, or as to the application thereof.

Inconsistent enactments not to apply.

12. The accounts between the said town of Barrie and the public schools therein subsequent to the first day of January, 1871, shall be taken and for that purpose the Honourable the Provincial Secretary shall forthwith after the passing of this Act nominate and appoint a skilled and competent accountant as referee who shall have all the powers of a referee under the provisions of *The Judicature Act*, and who shall examine the books, papers and records of the said town and of the said public schools, and hear such evidence as may be adduced, and who shall make and publish his award within three months from the date of his appointment or within such further

Accounts between town and public schools.

Rev. Stat. c. 44.

further time as he may by writing under his hand appoint, and the said referee in taking said accounts shall investigate all matters in dispute between the corporation of the said town and the public school board of the said town and the board of trustees of the Roman Catholic Separate School for the said town, and shall by his award certify what amount, if any, is due and owing and ought to be paid by any or either of the said parties and to which of the other of said parties having regard to the contentions of the school boards, respectively, set forth in the preamble hereof, and so as to do full and complete justice between the said parties in the premises, and the amount or amounts so certified or found on appeal to be due and owing shall be paid by the party or parties liable therefor on or before the first day of July, A.D. 1896, or before the said \$12,000 debenture debt shall be paid off if redeemed before said date.

Parties to
reference.

13. The parties to the said reference shall be the Corporation of the town of Barrie, the Board of Trustees of the Public Schools, and the Board of Trustees of the Roman Catholic Separate Schools in said town, and they shall be entitled to appear on the said reference and to be represented by counsel, or otherwise, at their own expense.

Expenses of
reference.

14. The fees and expenses of the said referee and of the production of necessary and material evidence shall be borne and paid by the said town.

Appeal from
referee.

15. The said referee shall keep a record of the proceedings taken before him, and an appeal from his decision shall lie to a judge of the High Court of Justice for Ontario, according to the same procedure and within the same time as appeals are heard from the report of an official referee under the provisions of *The Judicature Act*.

Rev. Stat. c.
44.

CHAPTER 62.

An Act respecting the Town of Carleton Place.

Assented to 5th May, 1894.

WHEREAS, the corporation and town of Carleton Place Preamble.
 has represented that disastrous loss to the town has resulted from the closing down of several large saw mills that lately carried on operations in the said town, and from the partial closing of several other manufactories, and that many of the inhabitants of the said town have in consequence been thrown out of employment, and have prayed that, in order to repair the said loss and to furnish employment to the said inhabitants, special powers may be granted to enable them to secure the establishment within the said town of Carleton Place of an industrial enterprise or enterprises; and, whereas the case of the said town of Carleton Place is, for the reasons aforesaid, exceptional; and, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject, as hereinafter provided, it shall be lawful for the corporation of the town of Carleton Place to grant aid, by way of loan or bonus, to secure the establishment of an industrial enterprise or enterprises within the said town, or to take stock in such industrial enterprise or enterprises to an amount not exceeding the sum of \$20,000, or to purchase property within the said town and to grant the same by way of bonus to such enterprise or enterprises, and to issue debentures for the amount required for the purposes aforesaid, not exceeding in the aggregate the sum of \$20,000, and to exempt from taxes, rates and assessments, both school and municipal, for a period not exceeding fifteen years the property of such enterprise or enterprises, and to do all other acts in the premises as if the power to grant bonuses was still vested in municipalities. Municipal aid to industrial enterprises. Exemption from taxes.

2. No such aid by way of loan, bonus, subscribed stock or grant of lands, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose, and the adoption of such by-laws by the qualified electors, as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, and the assent of the qualified ratepayers shall apply. By-laws granting bonuses to be submitted to the electors. 55 V. c. 42.

Assent of two-thirds of rate-payers required.

3.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed, shall be necessary in order to the carrying of the by-law.

Protection to established industries.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without a bonus.

Removal of industries from other municipalities

(3) No bonus shall be granted by the municipality to secure the removal thereto of an industry already established elsewhere in this Province.

Limit of municipal taxation.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Certificate of clerk as to majority.
55 V., c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favour of the by-law shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Scrutiny of votes.

5. In case of dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Proceeding for contesting result of submission of by-law to electors.

6. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319, and 321 to 328 inclusive of *The Consolidated Municipal Act, 1892*, and their subsections shall form part of this Act.

Application of certain provisions of 55 V. c. 42.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as part of this Act.

By-laws to be passed within five years after Act.

9. No by-law for the purpose of granting aid in pursuance of the provisions of this Act shall be valid, unless duly passed within five years after the passing of this Act.

CHAPTER 63.

An Act confirming certain By-laws of the Municipal Corporation of the Town of Cornwall.

Assented to 5th May, 1894.

WHEREAS The Canadian Colored Cotton Mills Company Preamble. and the Cornwall Manufacturing Company, by their respective petitions, have prayed that an Act may be passed confirming two by-laws of the corporation of the town of Cornwall, numbered 6 and 7 of the year 1894, which are set forth in schedules A and B respectively to this Act, in full, the said by-laws being by-laws fixing the proportion of the assessment of the aforesaid mills upon which the municipal corporation are to levy taxes for municipal and school purposes for a period of ten years; and whereas the said by-laws were unanimously passed by the said municipal council of the town of Cornwall, upon certain conditions which they considered favourable to the said town, and upon the request of a majority of the ratepayers of the said town of Cornwall; and whereas the said corporation of the town of Cornwall has, by its petition, prayed that an Act may be passed to confirm the said by-laws; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said two by-laws of the municipal corporation of the town of Cornwall, numbered 6 and 7 of the year 1894, and set forth in full in the schedules A and B to this Act, are hereby confirmed and declared legal, valid and binding, in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Consolidated Assessment Act, 1892*, or any other Act to the contrary notwithstanding. By-law 6 and 7 of 1894 confirmed. 55 V. c. 48.

SCHEDULE A.

By-Law No. 6.

By-law number six of the municipal corporation of the town of Cornwall, fixing the proportion of assessment upon which The Canadian Colored Cotton Mills Company are required to pay taxes for a period of ten years from the thirty-first day of December, A.D., 1893, upon that portion of their property known as the old part of The Canada Cotton Company's property.

1. Whereas under and in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, 36 Vict., cap. 67, and entitled "*An Act to Enable the Corporation of the Town of Cornwall to Exempt from Taxation certain Manufactories within the Town, for any period not exceeding twenty-one years.*"

The said council of the corporation of the town of Cornwall did, by by-law No. 10, passed 4th June, 1877, exempt The Canada Cotton Company from the 1st January, 1877, to the 31st December, 1893, inclusive, being a period of seventeen years, the balance of the twenty-one years which was authorized and permitted under said Act.

2. And whereas the said period of exemption has expired upon that portion thereof now owned by The Canadian Colored Cotton Mills Company, and being that part of the property of The Canada Cotton Company erected prior to 1873, and covered by by-law No. 10, 1877.

3. And whereas a petition was presented to the council of the corporation of the town of Cornwall, signed by 414 ratepayers of the said town, being more than a majority of said ratepayers, asking that the said council of the corporation of the town of Cornwall should accept a sum of money in lieu of taxes from The Canadian Colored Cotton Mills Company on that portion of their property known as the old part of The Canada Cotton Company's property.

4. And whereas the council of the corporation of the town of Cornwall feel that they cannot commute the taxes upon that portion of the property of The Canadian Colored Cotton Mills Company, known as the old part of The Canada Cotton Company's property, at the amount asked in the petition, yet they consider that it is in the interest of the town that said taxes should be commuted, and have agreed to commute same upon that portion thereof known as the old part of The Canada Cotton Company, for a period of ten years, upon the terms and conditions following, that is to say:—The Corporation of the town of Cornwall to levy taxes for municipal and school purposes upon forty per cent. only of the assessed value of that portion of The Canadian Cotton Mills Company's property known as the old part of The Canada Cotton Company,
upon

upon condition that if the said mill should stop work, owing to any cause whatsoever, for three months in the aggregate in any period of twelve months, then the full rate of taxes shall be imposed and levied for the year in which such stoppage takes place; or if the said mill should stop work for a continuous period of six months in any period of twenty-four months, then the said property be assessed and taxed in the usual way, as if this by-law had not been passed.

Be it therefore enacted, and it is hereby enacted, a by-law of the corporation of the town of Cornwall, that taxes shall only be levied upon forty per cent. of the assessed value of that portion of The Canadian Colored Cotton Mills Company's property known as the old part of the Canada Cotton Company's Mill, which was erected prior to 1873, together with real estate, buildings, machinery and other property immediately used or connected therewith (excluding, however, all boarding-houses, dwelling-houses and vacant ground, except such as may be used for yard purposes in the immediate vicinity of the said factory).

And it is further enacted that taxes shall only be collected upon forty per cent. of the assessed value, fixed in the usual way, upon said property, for a period of ten years from the 31st day of December, 1893, provided that if the said factory should stop work, owing to any cause whatsoever, for three months in the aggregate in any continuous twelve months, then the full rate of taxes shall be imposed for the year in which such stoppage takes place; or if the said factory should stop work for a continuous period of six months in any twenty-four months, then the factory and all such outbuildings, machinery and other property used or connected therewith shall be assessed in the usual way, and pay the usual taxes, as if this by-law had not been passed.

Provided that this by-law shall not come into force until such time as the same is confirmed by an Act of the Local Legislature of the Province of Ontario.

This by-law passed in open council upon this 5th day of February, in the year of our Lord one thousand eight hundred and ninety-four.

GEORGE S. JARVIS,
Town Clerk.

(Sgd.) C. J. HAMILTON,
Mayor.

[Seal.]

SCHEDULE B.

By-Law No. 7.

By-law No. seven of the municipal corporation of the town of Cornwall fixing a proportion of assessment upon The Cornwall Manufacturing Company's property which require to pay taxes for a period of ten years from the 31st day of December, A.D., 1893.

1. Whereas, under and in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, and entitled "*An Act to Enable the Corporation of the Town of Cornwall, to Exempt from Taxation certain Manufactories within the Town for any period not exceeding twenty-one years,*" the said council of the corporation of the town of Cornwall, did by by-law No. 10, passed 4th of June, 1877, exempt the Cornwall Woollen Factory from the 1st of January, 1877, to the 31st of December, 1893, inclusive, being a period of seventeen years, the balance of twenty-one years which was authorized and permitted under said Act.

2. And whereas, the said period of exemption has expired upon the Cornwall Woollen Factory being the property of the Cornwall Manufacturing Company ;

3. And whereas, a petition was presented to the council of the corporation of the town of Cornwall, signed by a large number of ratepayers of the said town, asking that the said council of the corporation of the town of Cornwall, should accept a sum of money in lieu of taxes from the Cornwall Manufacturing Company, upon their property.

4. And whereas, the council of the corporation of the town of Cornwall feel that they cannot commute the taxes upon the property of the Cornwall Manufacturing Company, at the amount asked in the petition, yet they consider that it is in the interest of the town that said taxes should be commuted, and have agreed to commute same for a period of ten years upon the terms and conditions following, that is to say :—The corporation of the town of Cornwall to levy taxes for municipal and school purposes upon forty per cent. of the assessed value of the Cornwall Manufacturing Company's property, upon condition that if the said mill should stop work, owing to any cause whatsoever, for six months in the aggregate in any period of twelve months, then the full rate of taxes shall be imposed and levied for the year in which such stoppage takes place, or if the said mill should stop work for a continuous period of six months in any period of twenty-four months, then the said property shall be assessed and taxes levied in the usual way as if this by-law had not been passed.

Be it therefore enacted, and it is hereby enacted a by-law of the corporation of the town of Cornwall, that taxes shall only be levied upon forty per cent. of the assessed value of the pro-
perty

perty of the Cornwall Manufacturing Company, together with real estate, outbuildings, machinery and other property, immediately used or connected with their mill property (excluding, however, all boarding-houses, dwelling houses and vacant ground, except such as may be used for yard purposes in the immediate vicinity of the said factory).

And it is further enacted, that taxes shall only be collected upon forty per cent. of the assessed value fixed in the usual way upon said property for a period of ten years from the 31st day of December, A.D., 1893.

Provided, that if the said factory should stop work owing to any cause whatsoever, for three months in the aggregate in any continuous twelve months, then the full rate of taxes shall be imposed for the year, in which said stoppage takes place, or if the said factory should stop work for a continuous period of six months in any twenty-four months, then the factory and all such out-buildings, machinery and other property used or connected therewith, shall be assessed in the usual way, and pay the usual taxes, as if this by-law had not been passed.

Provided, that this by-law shall not come into force until such time as the same is confirmed by an Act of the Local Legislature of the Province of Ontario.

This by-law passed in open council, this 5th day of February, in the year of our Lord one thousand eight hundred and ninety-four.

C. J. HAMILTON,

GEORGE S. JARVIS,

Town Clerk.

Mayor.

[Seal.]

CHAPTER 64.

An Act respecting the Township of Etobicoke.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the township of Etobicoke, in the county of York, by petition has represented that it is necessary and desirable to construct two bridges across the Mimico Creek in said township, one on Queen street and the other on the Lake Shore road, at a cost for both of about \$4,000, and that there is in the said township a considerable quantity of non-resident and other vacant lands upon which the said corporation have been unable for the past two or three years to collect the taxes levied thereon, and that by reason thereof the council of the said township has been obliged to borrow moneys from time to time on personal security to meet the deficiency of revenue for ordinary purposes caused by the said non-payment of taxes; and that the moneys so borrowed amount in the aggregate to at least \$4,000; and that the expense of submitting by-laws to the ratepayers for the raising the said money would be very large in proportion to the sum required; and whereas the said corporation by their said petition have further represented that the south-half of lot number eleven in the second meridional concession of the said township is assessed by special rate for the payment of school debentures in each of school sections numbers 1 and 11, and is thus bearing a double burden; and whereas the said corporation by their said petition have prayed for an Act to enable them without submitting the same to the ratepayers, to pass by-laws for the raising of the said moneys, and for the relief of the said lot; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass
by-laws for
building cer-
tain bridges.

1. The council of the corporation of the township of Etobicoke may without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-law or by-laws as may from time to time be necessary or expedient to raise a loan or loans for such amount or amounts not exceeding in the aggregate the sum of \$8,000, as may be required for the construction of two bridges across the Mimico Creek in the said township, one on Queen street and the other on the Lake Shore road, and for the payment of floating debts of the said township, and may issue the requisite number of debentures therefor in sums not less than \$100 each, which debentures shall be payable

payable in eight equal annual instalments of principal and interest, said interest not to exceed the rate of six per centum per annum, the first instalment of principal and interest to become due and be payable at the end of one year from the respective dates of the said debentures; and for the purpose of paying the said annual instalments the said council in any by-law or by-laws to be passed authorizing said loan or loans or any part thereof and the issuing of debentures therefor, may impose a special rate per annum upon all ratable property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient to pay the said annual instalments.

2. The said council without submitting the same to the said ratepayers may pass a by-law remitting one-half in each year hereafter of the sums now levied and assessed by special rate for payment of school debentures against the south half of lot number eleven in the second meridional concession of the said township in each of school sections numbers 1 and 11, and may levy and assess the amounts so remitted against the balance of the property subject to the said rates in the said respective school sections.

Power to re-
mit certain
school taxes.

3. The said council may without submitting the same to the ratepayers qualified to vote on by-law No. 530, "To provide for the issue of debentures to the amount of \$10,000 to aid and assist the Toronto and Mimico Electric Railway and Light Company (Limited), to construct their electric street railway and to authorize the levy of a special rate for the payment of debentures and interest thereon," extend the time for the payment of the sum of \$1,295.05, which became due under the said by-law on the 18th day of March, 1894, to the 18th day of March, 1904, at interest, and to issue a debenture therefor payable on the 18th day of March, 1904, with interest at 5 per cent. per annum payable yearly on the 18th day of March in each year; and the council may exercise the power to raise by special rate upon the ratable real property lying within the portion of the municipality described in the said by-law, the interest and principal for and during the years in which the same shall be made payable according to the said debenture, and the said debenture shall be a valid debenture under the said by-law No. 530 and this Act, binding on the said portion of the municipality, and the debenture now issued payable on the 18th March, 1894, shall be delivered up to the said corporation to be cancelled.

Authority to
extend time
for payment
of debenture
falling due
18th March,
1894.

CHAPTER 65.

An Act respecting the Railway Debenture Debt of the Township of Flos.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the Township of Flos, have, by their petition, represented that in aiding the North Simcoe Railway Company they have incurred a debt of \$25,000, for which amount debentures of the said corporation were issued under by-law No. 140, passed on the 6th day of August, 1874, and that by way of provision for sinking fund for redeeming the same, the sum of \$2,000 only has been raised in addition to the annual interest thereon, none of which is in arrear; and whereas the said debentures will become due and payable on the 1st day of July, 1894; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$23,000 to meet and pay off the remainder of the said debentures shortly to fall due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures for \$23,000 authorized.

1. It shall be lawful for the corporation of the township of Flos to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$23,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places, either in this Province, in Great Britain or elsewhere, as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

2. The corporation of the said township may, for the purpose hereinafter mentioned, raise money by way of loan on the said debentures in this Province, or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time, as they may deem expedient.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the 1st day of the months of July and January in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.
4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the township of Flos, issued in aid of the North Simcoe Railway Company, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Railway Debt Debentures." Application of proceeds of debentures.
5. The treasurer of the said township on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures or any of them hereinbefore authorized to be issued, as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in outstanding debentures.
6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debt paid.
7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the 1st day of July, 1894, and so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Debentures to be payable yearly.
8. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The 1894 Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. Special rate.
9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper Treasurer to keep proper books of account.

proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures now outstanding.

Assent of electors not required.

55 V. c. 42.

10. It shall not be necessary to obtain the assent of the electors of the said township of Flos to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

Form of debentures and by-laws.

11. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same, may be in the form set out in Schedule "B" to this Act.

Informalities not to invalidate debentures.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence in any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

13. This Act may be cited as *The Flos Debenture Act, 1894*.

SCHEDULE "A."

(Section 11.)

PROVINCE OF ONTARIO, TOWNSHIP OF FLOS,

RAILWAY DEBT DEBENTURE.

No.

Under and by virtue of *The Flos Debenture Act, 1894*, and by virtue of by-law No. of the Corporation of the Township of Flos passed under the provisions contained in the said Act, the corporation of the township of Flos, in the County of Simcoe, promise to pay to the bearer, at in the sum of , on the day of , one thousand hundred and , and to pay the bearer the half yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at Elmvale, Ontario, this day of A.D., .

[L.S.]

A. B., Reeve.

C. D., Treasurer.

SCHEDULE "B."

(Section 11.)

By-law No. to authorize the issue of debentures under the authority of *The Flos Debenture Act, 1894*.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as the Railway Debt Debentures, not exceeding the sum of \$23,000 in the whole, as the corporation of the Township of Flos may, in pursuance of and in conformity with the provisions of the said Act, direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$, payable on the day of , with interest thereon at the rate of per cent. per annum, payable half yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the Township of Flos, according to the last revised assessment roll of the said township, being for the year one thousand eight hundred and , was \$

Therefore

Therefore the municipal corporation of the township of Flos hereby enacts as follows :—

1. Debentures under the said Act and for the purposes therein mentioned to be known as Railway Debt Debentures to the extent of \$ are hereby authorised and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable half yearly on the first day of the months of July and January in each year.

This by-law passed in open Council this day of
in the year of our Lord one thousand hundred and

[L.S.]

A. B., Reeve.

C. D., Clerk.

CHAPTER 66.

An Act to confirm an agreement between the corporation of the Town of Gananoque and the Thousand Islands Railway Company.

Assented to 5th May, 1894.

WHEREAS the corporation of the town of Gananoque entered into an agreement with The Thousand Islands Railway Company, dated the 22nd day of December, in the year of our Lord 1892, respecting the extension of the railway of the said company across the Gananoque River and the construction and use of certain streets and a swing bridge across said river; and whereas the said corporation of the said town of Gananoque have by their petition prayed that an Act may be passed confirming and making valid the said agreement; and whereas it is expedient to grant the prayer of the said petition :

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The agreement made the 22nd day of December, in the year of our Lord 1892, by and between the Corporation of the Town of Gananoque, therein called "the Corporation," of the first part, and The Thousand Islands Railway Company, therein called "the Company," of the second part, and which agreement forms Schedule "A" to this Act, is hereby ratified and confirmed and declared to be valid and binding on the said corporation for all the purposes in the said agreement mentioned.

Agreement confirmed.

SCHEDULE "A."

This agreement made this 22nd day of December, in the year of our Lord 1892, by and between the Corporation of the Town of Gananoque, hereinafter called "the Corporation," of the first part, and The Thousand Islands Railway Company, hereinafter called "the Company," of the second part.

Whereas the corporation desire the said company to construct an extension of the company's railway eastward across the mouth of the Gananoque River, on the line shewn on the plan annexed hereto, which includes a swing bridge over said river, as shewn on said plan, and to that end the parties hereto have agreed each with the other as hereinafter set forth.

Therefore

Therefore these presents witness that for the considerations hereinafter expressed they, the said parties hereto, have and they hereby do covenant and agree each with the other in the manner following, that is to say :—

The corporation covenant and agree, at their own cost and charges, to provide all the right of way from the premises of the company in Gananoque which may be required by the company for the purposes of the said extension (except such right of way as may now be owned by the company).

2. That the company shall have the right to occupy and use for the purposes of the said company the undermentioned streets in the said town of Gananoque as may be found necessary for the proper and convenient construction and use of the said extension or extensions, but the width and extent not to be greater than that required for a single track railway and the switches connecting any siding therewith, where such are required—to wit, Mill street, Water street, Stone street and John street—on the lines shewn on the plan certified by T. Trudeau, and dated the 22nd day of November, 1892, and registered in the Registry Office for the county of Leeds, also in the office of the Railway Committee of the Privy Council, and not to exceed the extent above mentioned. Provided, however, the company shall not block, interfere with, or obstruct the said street or streets further than may be found necessary for the proper use and working of the said extension or extensions and the traffic thereon. The words “extension” or “extensions” include sidings on John street, and also on Stone street, south of the main line.

3. It is further agreed that the corporation will do the filling with stone and earth, or either, as may be found necessary for the making of the approaches to the said bridge over the Gananoque River contemplated by this agreement; that they will make the said approaches to the said bridge up to grade, and after construction will maintain the same up to grade in a proper, safe and satisfactory condition, all the said work to be done by the corporation at their own cost and charges, and according to the plans and specifications furnished from time to time by the company's engineer, and to his satisfaction.

4. The company agrees to construct an extension from their present line to and across the mouth of the said Gananoque River, and that they will put down suitable tracks to the Gananoque Carriage Works from said extension, the corporation providing the right of way therefor and thereto, as aforesaid.

5. That they will build the wood or stone work, or both, required for the said bridge, and will put down on the said bridge a plank floor, the same to be made according to the plans and specifications provided therefor, and as mentioned above; and the company will maintain the bridge, except the

floor;

floor; and the corporation, at their own expense, will from time to time maintain the floor in good order.

6. The company agrees that the said bridge shall contain a swing, which shall have such opening and be of such design for the passage of vessels as shall be approved and required by the Privy Council of Canada, and shall be so maintained by said company.

7. That the bridge shall be well and properly constructed, and shall be so floored, and the tracks, as far as reasonably can be done, shall be so laid that the bridge shall be available as a railway bridge, and when not being so used for railway purposes it may be available for crossing by foot passengers, or by horses and vehicles, or for cattle and other animals, when in charge of a person driving or leading the same, but these latter privileges to be without responsibility on the part of the company to those so using said bridge and its approaches, it being understood that the use of the said bridge and approaches when the company are not using the same, and the safety of the same for the said purposes, shall be at the risk of those using the said bridge and approaches of the corporation, as the case may be, but that the company shall not incur any responsibility therefor or in connection therewith, except as hereinafter provided, and the right so to use shall at all times be subject to the prior right of the company for railway purposes, and to the passage of vessels through the said draw or swing bridge.

8. The drawbridge shall be under the full control of the company, who will provide for the efficient working thereof.

9. Nothing in this agreement contained shall interfere with or lessen any rights heretofore granted to the company or acquired by them under any by-law or statutes heretofore passed.

10. It is further agreed that the corporation will save harmless the company from all claims and demands on the part of any landowner or occupier of property injuriously affected within the meaning of the Railway Act (if any such there be) because of the use of by the said railway or its construction on the lines or streets aforesaid.

11. It is further agreed that for all damages or injury to those using said bridge and its approaches caused by the negligence of the company while their trains or engines are using the same, or in operating the said swing or omitting to close the same, or in the maintenance of the substructure of the said bridge, the company shall be liable; but

12. In all cases, except when the company are liable by reason of their negligence, the corporation shall indemnify, warrant and defend the company against all claims for damages, where such damages arise by or in the use of the bridge and its approaches as a highway or thoroughfare; but in no case as between persons using said bridge and approaches as a highway or thoroughfare, and the corporation or the company,

company, or both, shall this agreement, or anything therein, be taken as an admission by the company or by the corporation of the right of any person or persons to use the said bridge and its approaches as such highway or thoroughfare otherwise than at their own risk of accidents, damages, or injury to person or property in doing so.

13. The parties hereto will unite in getting such legislative sanction as they or either may be advised is necessary to confirm this agreement and give the parties hereto all the powers which may be deemed necessary to carry out and give full effect to this agreement.

14. Each of the parties hereto covenants with the other to abide by, observe, perform and keep the above agreement in all respects, according to the spirit, true intent and meaning thereof.

In witness whereof the said parties hereto have hereunto affixed their corporate seals, on the day and year first above written.

(Signed) WM. BYERS, [Seal of the
Mayor. Town of
Gananoque.]

For The Thousand Islands Railway Company :

(Signed) E. W. RATHBUN, [Seal of the
President. Thousand
Islands
Railway
Company.]

(Signed) F. S. RATHBUN,
Secretary.

Signed, sealed and delivered in the
presence of

(Signed) W. B. CARROLL.

(Signed) R. C. CARTER.

CHAPTER 67.

An Act to legalize By-law No. 214 of the County of Halton, and to enable the Corporation to appropriate and distribute certain moneys.

Assented to 5th May, 1894.

WHEREAS the municipal corporation of the county of Halton have, by their petition, prayed that an Act may be passed to legalize and confirm By-law No. 214 of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 214, of the corporation of the county of Halton, "To appropriate and distribute the money recovered from the Grand Trunk Railway Company," which is fully set forth in Schedule A to this Act, is hereby confirmed and declared to be legal and valid to all intents and purposes; and the said corporation of the county of Halton is hereby authorized and empowered to appropriate, distribute, and pay over the said money mentioned in the said by-law, in accordance with the provisions thereof, subject to modification by the appropriation and payment of \$1,000 to the Grand Trunk Railway Company of Canada, out of the balance of the money reserved for use and expenditure and application by the county council for the general purposes of the whole county, and the county out of said money shall pay the said sum of \$1,000 to the Grand Trunk Railway Company of Canada.

By-law No.
214 of the
county of Wal-
ton confirmed.

SCHEDULE A.

BY-LAW No. 214.

To appropriate and distribute the money recovered from the Grand Trunk Railway Company.

Whereas the Act of incorporation of the Hamilton and North-western Railway Company was passed by the Legislature of Ontario on the 2nd day of March, 1872, and was amended by Acts passed on the 29th day of March, 1873, the 21st day of December, 1874, and the 10th day of February, 1876;

And whereas the ratepayers of a portion of the county of Halton, namely: the old survey of the township of Nelson, including the village of Burlington; that portion of the old survey of the township of Trafalgar west of what is generally known as the "seventh line" (excepting therefrom the town of Oakville); that portion of the township of Esquesing north of the side line between lots Nos. 15 and 16, in the first seven concessions, and north of the side line between the lots Nos. 10 and 11, in the 8th, 9th, 10th and 11th concessions (excepting therefrom the village of Acton); and the town of Milton and the village of Georgetown, presented a petition to the county council under and in pursuance of the powers and provisions of the 15th section of the said Act of Incorporation, to pass a by-law to grant the sum of \$65, by way of bonus to the railway company, in aid of the construction of the railway through the county of Halton, and to submit the said by-law to the vote of the ratepayers within the said portion of the county;

And whereas the said ratepayers of the said portion of the county were empowered under the second section of the said Act, passed on the 29th day of March, 1873, to make arrangements respecting the condition of the said bonus, and the county council and the directors of the railway company were authorized to enter into any such arrangements respecting the condition of the bonus as might be found advisable.

And whereas the said by-law was passed by the county council on the 17th day of February, 1874, to be submitted to the ratepayers, in pursuance of a resolution of the council and of an agreement between the council and the directors of the railway company; that the railway company should execute and deliver to the council a bond, subject to a condition; that if the railway company should cease to be an independent company within the period mentioned, they would repay the amount of the said bonus to the county; and the said bond was executed and delivered before the vote of the ratepayers was taken on the said by-law;

And whereas the railway company claimed the votes of the ratepayers on the faith of the said bond, and the said by-law was carried by a majority of the ratepayers voting thereon,

thereon, and was passed by the council on the 28th day of April, 1874, and debentures were issued thereunder and delivered to the railway company ;

And whereas the ratepayers within the said portion of the county have paid the annual rates levied for the payment of debentures and interest thereon ; and have paid on account of principal money of the said debentures the sum of \$61,500 (leaving a balance of \$3,500 of principal money to become due on the 1st day of May, 1894), and have also paid for interest on the said debentures the sum of \$47,309.50 ;

And whereas the railway company forfeited its independence, and transferred the assets of the company to the Grand Trunk Company, subject to the payment of liabilities, and by reason thereof the county recovered from the Grand Trunk Railway Company, under the said bond, the sum of \$65,000, together with interest from the date of the judgment, and costs ;

And whereas the said ratepayers within the portion of the county claimed that the county held the said money in trust, to be distributed and paid to and amongst the ratepayers who had paid the annual rates, and their legal representatives and an action at law was brought by and on their behalf to compel the distribution and payment thereof to them ;

And whereas it was expedient, in public interest, to determine whether the said money was private money to be paid to ratepayers, or public money to be appropriated and laid out by the county council for the separate benefit of the portion of the county included in the said by-law, or for the general benefit of the whole county ;

And whereas the county council admitted the equity of the claim of the ratepayers within the local group of the county, to the appropriation of the money for the benefit of the local group, after making a reasonable allowance to the county for the risk incurred by the county in the prosecution of the action against the Grand Trunk Railway Company ; but the county council could not, in their representative capacity as the body corporate for the whole county, deal with the said money, until the said questions of power over the said money were determined ;

And whereas it has been determined by the court, that the money is public money, and that it is under the power and control of the county council, for the general benefit of the whole county, and not for the separate benefit of the local group, on the ground that there was no legal evidence of an express or implied trust in favour of the ratepayers within the local group, as distinguished from the ratepayers of the whole county ;

And whereas it is just and equitable that the money recovered from the Grand Trunk Railway Company as aforesaid, should be appropriated and distributed as hereinafter provided.

Be it therefore enacted by the municipal corporation of the county of Halton, that the money received from the Grand

Trunk Railway Company as aforesaid shall be appropriated and distributed as follows, subject to the Legislative sanction of the Legislature of Ontario, and to any modifications thereof, which may be made by the Legislature, namely :

(Firstly) In payment of the costs, charges and expenses which have been incurred, and the costs, charges and expenses which may properly be incurred, until the payment over of the money by the county under this by-law, and a legal discharge therefor given to the county.

(Secondly) In payment of the balance of money which shall be required for the payment of the outstanding debentures, to become due on the first day of May, 1894 and for the payment of which, no levy has been made on the said ratepayers.

(Thirdly) In payment of the sum of \$62,035.50 to the local corporations of the county of Halton, *pro rata*, according to the several amounts paid by the ratepayers within the said local group of each corporation respectively, under the said by-law, in aid of the construction of the said railway and to be appropriated and applied for public school purposes as hereinafter mentioned :—

THE ANNUAL RATES LEVIED UNDER THE BONUS BY-LAW
FOR PAYMENT OF THE DEBENTURES WERE CONTRIBUTED
AS FOLLOWS :

The township of Esquesing local section paid the sum of	\$44,241 50
The township of Nelson local section paid the sum of	27,189 00
The township of Trafalgar local section paid the sum of	27,464 50
The village of Burlington local section paid the sum of	2,850 00
The town of Milton local section paid the sum of	3,800 00
The village of Georgetown " " " "	3,800 00
<hr/>	
Making a total of	\$109,345 00

The *pro rata* share of the said sum of \$62,035.50 apportioned to and amongst the said local sections, of townships and the said town and villages, will be at the rate of 56.7337 on the \$, divided as follows, viz. :—

For township of Esquesing local section	\$25,099 84
For township of Nelson " "	15,425 37
For township of Trafalgar " "	15,581 63
For village of Burlington " "	1,616 92
For town of Milton " "	2,155 87
For village of Georgetown " "	2,155 87
<hr/>	
	\$62,035 50

APPROPRIATION

APPROPRIATION AND SETTLEMENT OF THE SAID SUMS.

The said several and respective sums shall be paid to the respective corporations for the townships of Esquesing, Nelson and Trafalgar, and to the villages of Burlington and Georgetown and town of Milton, for public school purposes.

The said several corporations of the townships of Esquesing, Nelson and Trafalgar, shall, by by-laws, apportion the said several sums, to and amongst the boards of public school trustees for the school sections of each township within the respective groups which contributed the annual rates, and the apportionment shall be made *pro rata*, according to the assessment rolls of the groups for the year 1884, so that the said school sections within the respective groups, and the rate-payers thereof, shall receive the sole benefit in the said proportions of the annual interest to be derived from the investment of the said several sums of money to be laid out and expended by the boards of public school trustees for each school section for public school purposes.

INVESTMENT OF MONEY.

The said respective township corporations shall invest the said respective sums of money to be paid as aforesaid in the classes of securities which are or may hereafter be authorized by the Legislature of Ontario for investments of money by trustees, and they shall maintain the investments thereof in the same classes of securities at interest, as a permanent public school fund for public school purposes as aforesaid.

PAYMENT OF INTEREST.

The annual interest received and to be received by the said corporations of the said townships from the said investments, shall be apportioned by the corporations of the said townships to the said several school sections, on the basis of the said assessment rolls for the year 1884, and the annual interest received and to be received shall be paid to the respective boards of public school trustees for each of the said school sections for public school purposes, to be appropriated, laid out and expended by the said respective boards under and in pursuance of the resolutions under the corporate seal to be passed in pursuance and exercise of the powers and provisions contained in the public school Act, 1891, and any amendments thereof.

The said corporations of the villages of Burlington and Georgetown, and of the town of Milton, shall pay the said sums of money to the Burlington public school board, the Georgetown public school board and the Milton public school board respectively, for public school purposes for the sole benefit of the ratepayers within the said corporations as now constituted, and the said sums of money and any interest which may be derived from the investment thereof, shall be laid out, appropriated and expended by the said respective school boards

boards, for public school purposes under resolutions under the corporate seal to be passed, in pursuance and exercise of the powers and provisions contained in the Public School Act, 1891, and amendments thereof ; and any investments of the said money shall be made in the said classes of securities.

The balance of the money shall be used, expended and applied by the county council for the general purposes of the whole county.

This by-law is passed as a provisional by-law, subject to the legislative sanction of the Legislature of Ontario and any modifications which may be made by the said Legislature, and shall not come into force and effect until it has been legalized by the Act of the said Legislature.

(Sgd.) JOHN WARREN,
Warden,
(Sgd.) WM. PANTON,
Clerk.

Passed this 8th day of February, A.D. 1894.

CHAPTER 68.

An Act to consolidate certain debts of the Town of
Harriston, and for other purposes.*Assented to 5th May, 1894.*

WHEREAS the corporation of the town of Harriston have Preamble.
by their petition, represented that they have incurred debts and liabilities for the purpose of aiding in the construction of the Stratford and Huron Railway, in building and enlarging a high school, and in establishing a cemetery, in all to the extent of \$28,400, and that they are also indebted to the township of Minto to the amount of \$540 incurred when the former village of Harriston was made into the present town; and that debentures were issued from time to time for the payment of the said sum of \$28,400, under by-laws which provided that sinking funds should be raised for the payment of the same; and that by reason of the payment of other debenture debts, and the annual payment of a large sum to the township of Minto on account of the formation of the said former village of Harriston, they have been unable to raise the required sinking funds to enable them to pay off the said debenture debts, and they would be unable to do so by the time when the same comes due; and have prayed that the said debenture debt and the said debt due to the township of Minto may be consolidated, and that they may be authorized to issue debentures for that purpose; and also in view of and pending the consolidation of the said debt that they may receive special authority in the matter of raising the sinking fund required for the payment of the said debentures until the year 1898, when the debentures of The Stratford and Huron Railway Company will become due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the town of Harriston are hereby consolidated at the sum of \$28,940; and it shall be lawful for the corporation of the said town of Harriston to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums of money to retire the said debentures, amounting to \$28,400, as they respectively become due, and to pay off the other debt owing to the township of Minto, amounting to \$540, and not exceeding in the whole \$28,940 exclusive of interest thereon.

Debts consolidated at
\$28,940.

Power to issue
debentures for
\$28,940.

2. It shall be lawful for the said corporation of the town of Harriston, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$28,940 in the whole, as the said corporation may from time to time direct, payable, by paying the principal and interest annually (the principal and interest together on each of such debentures amounting each year to about the same sum) and that the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Application of
proceeds of
debentures.

3. The said debentures and all money arising therefrom shall be applied by the said corporation in the redemption of the said debentures of the town of Harriston now outstanding, amounting to \$28,400, and in payment of the said debt of \$540, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Power to
raise money
on debentures.

4. The said corporation may, for the purposes aforesaid raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of
debentures.

5. The said debentures shall be payable in not more than thirty years from the 15th day of December, 1898, as the said corporation may direct. In the said debentures, which may be issued in series, as the said corporation may determine, the principal and interest shall be payable by annual instalments of nearly the same amount by dividing the principal into as many equal parts as there are years in the period during which the same shall be current, and by equalizing the interest payable on all of the series, so that each debenture of the series shall include both principal and interest.

Debentures
how payable.

6. The said debentures shall be payable on the fifteenth day of December in each and every year during which they shall be current at the place mentioned therein, and the rate of interest payable on the principal thereof shall not exceed five per centum per annum, and it shall not be necessary to levy for, provide or lay aside and accumulate, any sinking fund to retire the said debentures or any of them.

Special rate.

7. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized

to be issued under this Act, to be called the "Consolidated Debenture Rate."

8. The treasurer of the said town shall on receiving instructions from the council thereof so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said "Consolidated Debt Debentures" or any of them, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Calling in
outstanding
debentures.

9. It shall not be necessary to obtain the assent of the electors of the said town of Harriston for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of
electors not
required.

55 V. c. 42.

10. Any by-law that may be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be fully paid and satisfied.

By-laws not
to be repealed
until debt
paid.

11. It shall be the duty of the treasurer of the said town for the time being from time to time to keep, and it shall be the duty of the members of the council thereof for the time being to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures, which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the said "Consolidated Debt Debentures" or of any of them and such inspection shall be allowed free of charge.

Treasurer to
keep books
shewing
debenture
account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the said town from any indebtedness or liability which may not be included in the said debt of the said town hereby authorized to be consolidated.

Indebtedness
of town not
discharged.

13. Any provisions of the Act respecting municipal institutions in this Province which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law

Inconsistent
enactments
not to apply.

by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing of such debentures or as to the application of the proceeds thereof.

Form of
debentures
and by-laws.

14. The debentures to be issued under this Act may be in the form contained in schedule A to this Act and the by-law or by-laws authorizing the same may be in the form in schedule B to this Act.

Preamble.

15. Whereas the corporation of the said town of Harriston have represented by their said petition that by an oversight the provisions of section 9 of chapter 35 of the Acts passed in the 56th year of Her Majesty's reign were not noticed until long after the striking of the annual rate for the year 1893 and that the statement of the treasurer of the said town was not presented till the month of December last, and that in consequence thereof the special rate for the levying of the amount of the sinking fund for the payment of the said outstanding debentures for the year 1893, was not struck till many of the ratepayers of the said town had paid their taxes for the year 1893 and that it would be a great hardship for them to pay the said special rate, and the said corporation have prayed that they may be relieved from levying the said special rate, and that as many of the members of the said council for the year 1894 were members of the council for the year 1893, they have prayed that the members of the council of the said town for 1893 may be declared not to be ineligible or disqualified to hold the position and office of members of the present council of 1894 and of the next council of 1895 by reason of any of the provisions contained in said section 9 of chapter 35 of the Acts passed in the 56th year of Her Majesty's reign so as to do away with any doubt as to the validity of any acts which may be performed by them and to prevent vexatious and expensive legal proceedings, and it is expedient to grant the prayer of the said petition. Therefore it is hereby enacted as follows:—

Sinking fund
for certain
outstanding
debentures.

Notwithstanding anything in this or any other Act to the contrary, the council of the said town of Harriston is hereby authorized to provide the sinking fund on the debentures now outstanding required to be raised in each of the remaining years prior to the maturity of the Stratford and Huron Railway Company debentures in the year 1898, by forthwith issuing a sufficient number of the debentures, by this Act authorized to be issued for the payment of the said outstanding

debentures,

debentures, or by issuing special short date debentures of sufficient amount for the purpose, and which shall not be a part of the said consolidated debt debentures and hypothecating or otherwise temporarily disposing of the same by way of security for advances from year to year sufficient for payment of the sinking fund required to be raised in respect of the said outstanding debentures until the same mature in the year 1898, and the said advances shall be deposited to the credit of the said town in a chartered bank in a special account known as the "Railway Debentures Sinking Fund Account," and upon the negotiation and sale of the debentures hereby authorized to be issued for the redemption of the said outstanding debentures, the advances obtained as aforesaid for the purpose of providing the said temporary sinking fund shall be repaid from the moneys so to be deposited as aforesaid, and the said short date debentures cancelled, and any interest which may be charged upon the said advances so far as the same may be in excess of interest allowed by the bank upon the moneys deposited as aforesaid shall be paid out of the general rates of the said town; and the said corporation of the town of Harriston, are relieved from the necessity of raising the said sinking fund otherwise than as is hereby provided and from the necessity of levying any special rate therefor, and the same shall not be levied under the by-law made for the said purpose.

16. The members of the last council of the said town for the year 1893, are hereby declared eligible and qualified to hold the position or office of members of the present council of the said town for the year 1894, and for the year 1895 notwithstanding any of the provisions of section 9 of the said Act, passed in the 56th year of the reign of Her present Majesty, and chaptered 35. Omission to levy rate for sinking fund in 1893.

17 This Act may be cited as *The Harriston Debenture Act, 1894.* Short title.

SCHEDULE A.

(Section 14.)

PROVINCE OF ONTARIO.

Town of Harriston—Consolidated Debt Debenture.

Under and by virtue of *The Harriston Debenture Act, 1894*,
and of by-law No. _____ of the corporation of the town of
Harriston, the corporation of the town of Harriston in the
county of Wellington promises to pay to the bearer at

in _____ the sum of
on the Fifteenth day of December, A. D.

Dated at Harriston, this _____ day of _____
A. D. 18 _____

A. B., Mayor.

C. D., Treasurer.

[L.S.]

SCHEDULE B.

(Section 14.)

By-Law No. _____ to authorize the issue of debentures, under
the authority of *The Harriston Debenture Act, 1894*.

Whereas the said Act authorizes the issue of debentures for
the purposes therein mentioned, not exceeding in the whole the
sum of \$28,940 as the corporation of the town of Harriston,
may in pursuance of and in conformity with the provisions of
the said Act direct.

And whereas for the purposes mentioned in the said Act it
is necessary and expedient to issue debentures to the extent of
\$ _____ payable yearly on the fifteenth day of December in
each year for _____ years next after the day on which
this by-law comes in force and is to take effect, such debentures
to include interest at the rate of five per centum per annum,
from the fifteenth day of December A. D. 18 _____, and to be
issued in sets of \$ _____ each (or a set of \$ _____ as the case may be)

Therefore, the municipal corporation of the town of Harriston
enacts as follows :—

1. Debentures under the said Act and for the purposes men-
tioned therein to be known as Consolidated Debt Debentures
to the extent of \$ _____, exclusive of the interest thereon at
the rate of five per centum per annum, are hereby authorized
and directed to be issued in sets of \$ _____ each (or in a set of
\$ _____ as the case may be).

2. The said debentures shall be payable yearly on the fif-
teenth day of December in each and every year at the
in _____ and shall include interest at the rate of five per
centum per annum, and shall run for _____ years from

Mayor.

Clerk.

[L.S.]

CHAPTER

CHAPTER 69.

An Act to confirm a certain By-law of the Corporation of the City of Kingston.

Assented to 5th May, 1894.

WHEREAS the corporation of the city of Kingston have Preamble.
by their petition represented that they have for the purpose of promoting the prosperity of their city and with the intention of petitioning the Legislature to pass an Act legalizing, confirming and declaring valid the same, on the nineteenth day of February, A. D. 1894, passed a by-law intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company from the payment of municipal taxes except local improvement rates and to fix the amount of school taxes to be paid by the said company on said property at the sum of \$217.86 per annum and to exempt said property from the payment of a greater sum for school taxes than the said sum of \$217.86 per annum for a period of ten years from the 1st day of July, 1893, upon certain conditions," which by-law is set out in schedule A to this Act, and have prayed that an Act may be passed legalizing, confirming and declaring valid the said by-law; and whereas it appears that the said sum of \$217.86 is the amount of school taxes upon the assessed value of the company's property for the year 1893; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Kingston in the preamble to this Act mentioned intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company from the payment of municipal taxes except local improvement rates and to fix the amount of school taxes to be paid by the said company on said property at the sum of \$217.86 per annum and to exempt said property from the payment of a greater sum for school taxes than the said sum of \$217.86 per annum for a period of ten years from the 1st day of July, 1893, upon certain conditions," passed on the nineteenth day of February, A. D. 1894, a copy whereof is set out in schedule A to this Act, is hereby legalized, confirmed and declared to be valid.

By-law
exempting
Montreal
Transporta-
tion Company
from taxation
confirmed.

2. The provisions of the said by-law shall have the same force and effect as if the same were incorporated in and enacted by this Act and the said company is hereby authorized and empowered

empowered to enter into the agreement with the said corporation of the city of Kingston, provided for in condition (a) to section 3 of the said by-law.

SCHEDULE A.

A by-law to exempt the real and personal property of the Montreal Transportation Company from the payment of municipal taxes except local improvement rates and to fix the amount of school taxes to be paid by the said company on said property at the sum of \$217.86 per annum and to exempt said property from the payment of a greater sum for school taxes than the said sum of \$217.86 per annum for a period of ten years from the 1st day of July, 1893, upon certain conditions.

[Passed Monday, February 19th, 1894.]

Whereas to induce the said company to continue their establishments in this city and to transact their whole businesses in the Province of Ontario here, so far as the same are capable of being transacted here, it is expedient to exempt from municipal taxes except local improvement rates the real and personal property of the said company in this city and to fix the amount of school taxes to be paid by the said company at the sum of \$217.86 per annum, the amount assessed against them for school taxes for 1893 subject to their exemption therefrom and to exempt their said property from the payment of a greater sum for school taxes than the said sum of \$217.86 per annum, for a period of ten years from the 1st day of July, 1893, upon certain conditions;

Be it therefore enacted by the council of the corporation of the city of Kingston, as follows:—

1. The real and personal property in the city of Kingston required and used or held in and for their forwarding and ship building and repairing (for their own use) businesses by the Montreal Transportation Company shall be and the same is hereby declared to be exempt from the payment of municipal taxes except local improvement rates and from the payment of school taxes beyond the sum of \$217.86 (which amount is to be paid annually by the said company during the period of exemption hereby granted), for a period of ten years from the 1st day of July, 1893, subject to the provisions and conditions herein contained.

2. The said exemptions from taxes shall cease as to any part of the said company's real and personal property in the city which shall be sold or which the said company shall cease to hold or shall have let to any person or corporation or which the said company do not use or require for their said businesses also if the said company should become insolvent or make an assignment for the benefit of their creditors or have their property

property personal or real sold under execution or if the said company cease for a period of six months to be a going concern or cease or omit to transact their whole businesses in the Province of Ontario in the city of Kingston so far as the same are capable of being transacted in the said city of Kingston or if the said company fail or omit to observe or fulfil any of the following mentioned conditions the said exemptions from the payment of taxes shall from thenceforth cease and become determined.

3. This by-law is passed subject to the conditions (a), (b) and (c) following as well as subject to the provisions and conditions contained in the last preceding section and upon the happening of any of the events or things in the said last preceding section mentioned or upon the failure by the said company in the observance and fulfilment of the said conditions (a), (b) and (c) or either of them or upon the non-fulfilment of either of the said conditions (a), (b) or (c) the exemptions from the payment of taxes granted by this by-law to the said company shall cease and become determined or this by-law will not take effect as the case may require.

Condition (a).—That the said company shall transact all the businesses to be transacted by them in the Province of Ontario in the city of Kingston, so far as the same are capable of being transacted in the said city of Kingston, during the said period of exemption from the payment of taxes granted by this by-law and that the said company shall also execute an agreement with the corporation of the city of Kingston to this effect under a penalty of \$2,000 to the satisfaction of the city solicitor.

Condition (b).—That this by-law be sanctioned and legalized by an Act of the legislature of Ontario to be obtained by and at the expense of the said company as soon as the same may be done.

Condition (c).—That the said company do pay to the city officer entitled to receive the same, school taxes on its real and personal property in the city of Kingston to the amount of \$217.86 in each year of the said period of ten years when the same should be paid.

4. This by-law shall not apply to exempt from the payment of taxes any real or personal property of the said company which is not *bona fide*, required, held and used by the said company in and for the operation of its said businesses.

5. This by-law shall come in force on its being sanctioned and legalized by an Act of the Legislature of Ontario and upon the execution of the agreement in said condition (a) mentioned by the said company.

(Sgd.) JOHN HERALD,
Mayor.

(Sgd.) M. FLANAGAN,
City Clerk.

CHAPTER 70.

An Act to confirm By-Law No. 217, of the Town of Listowel.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the town of Listowel have by their petition shown that certain moneys advanced by them by way of grant or bonus in the year 1888, in aid of certain manufacturing industries, pursuant to the statutes then in force in Ontario, and to a by-law passed thereunder, duly approved by the ratepayers, have by reason of the destruction and suspension of said industries been returned into the hands of the corporation as an unappropriated fund; and that in futherance of the purpose to which said moneys were so originally applied, the said corporation have by their by-law No. 217 intituled "By-law to aid certain manufacturing industries in the town of Listowel, by advancing the sum of four thousand five hundred dollars (\$4,500), therefor by way of grant or bonus to the parties and in the manner hereinafter mentioned and for the appropriation of the sum of five hundred dollars (\$500), for building bridges in the town of Listowel," finally passed on the 20th day of April, A.D., 1893, (after submission to and approval by the ratepayers), enacted that the sum of \$4,500 of said moneys should be paid over by way of grant or bonus in aid of the manufacturing industries therein named that is to say: to the Morris-Feild-Rogers Company, of Listowel, Limited, the sum of \$2,500, and to Messrs. Gillies & Martin, iron founders, the sum of \$2,000, and that the remaining sum of \$500 should be appropriated to the building of bridges in the said town of Listowel; and whereas doubt exists as to the validity of said lastly mentioned by-law, and the said corporation by their petition have prayed that the same and all payments made and acts done by the corporation thereunder may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
217 confirmed.

1. The said by-law No. 217 of the corporation of the town of Listowel, intituled as in the preamble to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 217, to grant by way of bonus to the parties therein mentioned

tioned the respective sums therein specified in aid of their respective industries in the town of Listowel, that is to say :— To the Morris-Feild-Rogers Company, Limited, of Listowel, the sum of twenty-five hundred dollars, and to Messrs. Gillies & Martin the sum of two thousand dollars, and to appropriate the remaining sum of five hundred dollars of the moneys in said by-law mentioned to the erection of bridges in said town ; and all acts done or to be done, and all payments made or to be made, by the said corporation pursuant to the said by-law No. 217, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

CHAPTER 71.

An Act respecting the City of London.

Assented to 5th May, 1894.

Preamble.

WHEREAS the municipal council of the corporation of the city of London has, by its petition, prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment of
property of
Grand Trunk
Ry. Co.

1. The municipal council of the corporation of the city of London may, by by-law, provide that, subject to such terms and conditions as to the said council may seem expedient, for the period of ten years from the first day of January, A. D. 1894, the real and personal estate of the Grand Trunk Railway Company of Canada, assessable in the said city of London, or which may or shall during the said period be assessable in the said city, shall not be assessed at a greater sum than \$275,000, but shall be fixed at \$275,000 during the said period, and the said municipal council may also by by-law provide, that subject to such terms and conditions as to the said council may seem expedient, for the same period the property of the said company shall not be liable to assessment for local improvements at points or places where they are not interested in such improvements or directly benefited thereby, and any by-law so passed shall be repealed only for breach by the Grand Trunk Railway Company of Canada of the terms of any agreement which may be entered into between the said corporation and the said company at or before the time of the passing of the said by-law with respect to the said assessment.

55 V. c. 42, s.
366, not to
apply.

2. Section 366 of *The Consolidated Municipal Act, 1892* shall not apply to any by-law passed under the provisions of the next preceding section of this Act.

Power to
council of
City of Lon-
don to amend
by-law No.
831.

3. The said municipal council may by by-law from time to time extend the time fixed by section 6 of by-law No. 831, passed on the 8th day of January, 1894, as to the said council may seem expedient, and may also by by-law provide that in lieu of handing over the debentures mentioned in the said by-law No. 831 to the said company the said council may sell and dispose of the same and pay over in cash the whole amount
for

for which the said debentures are drawn and may provide for and pay the difference (if any) between the said amount and the net proceeds of the sale of the said debentures out of the general funds of the municipality and may alter and amend the agreement annexed to the said by-law accordingly and in such other details thereof as they may deem expedient.

4. Notwithstanding the provisions of any Act or law, but with the assent of the ratepayers under the provisions of *The Consolidated Municipal Act, 1892*, in that behalf, the said corporation may borrow, for any period not exceeding forty years, such sum, not exceeding \$50,000, as to the council thereof may seem meet, and the moneys so borrowed shall be expended for additional hydraulic and steam pumping apparatus, repairing or renewing the sluice way, and extension of mains, and shall be paid over to the water commissioners for the city of London for those purposes.

Power to borrow \$50,000 for water works purposes.

5. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period, not exceeding forty years, such sum, not exceeding \$110,000, as may be necessary to provide the means to pay for the renewal of the bridges and large culverts on the London and Port Stanley Railway, which are now wooden or partly so, in the manner and times provided in a proposed lease between the London and Port Stanley Railway Company and the Lake Erie and Detroit River Railway Company, dated the first day of December, A.D. 1893, which is set forth in Schedule A to this Act; and the said the corporation of the city of London shall be bound to provide, by way of loan to the London and Port Stanley Railway Company, the moneys required for the purposes aforesaid when the same shall be required, but not exceeding in the whole the said sum of \$110,000; and the said last named company shall be bound to secure the same and the interest thereon by issuing first preferential bonds or debentures of the said company, and such bonds or debentures shall, without formal conveyance or registration, form and be a first preferential charge on the said railway and the franchise, lands, tolls, revenues and other property of the said company now owned or possessed, or which may be hereafter owned or possessed by it.

Power to borrow \$110,000 for renewal of bridges and culverts on London and Port Stanley Ry.

6. It shall not be necessary that any by-law passed for the purposes mentioned in the next preceding section of this Act shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Consolidated Municipal Act, 1892*, which are applicable and which are not inconsistent with the provisions of this Act, shall apply to such by-law.

Assent of ratepayers not required.

55 V. c. 42.

7. The debentures issued for any of the purposes mentioned in sections 4 and 5 of this Act may bear such rate of interest,

Rate of interest on debentures.

20 (s.)

interest,

interest, not exceeding six per cent., as the council of the corporation of the city of London may from time to time determine.

Powers of
council under
55 V., c. 42,
not affected.

8. Nothing herein contained shall interfere with or prevent the exercise by the said municipal council of any of its powers under *The Consolidated Municipal Act, 1892*, and amendments thereto but the powers hereby conferred shall be deemed to be additional to such powers which may be exercised as fully as if the Act had not been passed.

SCHEDULE "A."

(Section 5.)

This Indenture made the first day of December, A.D. 1893.

Between The London and Port Stanley Railway Company, of the first part, The Lake Erie and Detroit River Railway Company, of the second part, and the Corporation of the City of London, of the third part.

Whereas the said parties of the second part have agreed to work the London and Port Stanley Railway, its plant and appurtenances, upon the terms and conditions hereinafter set forth.

Now, this indenture witnesseth :

1. The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisos and agreements hereinafter mentioned, the use, occupation and possession of their line of railway between London and Port Stanley, and such of the appurtenances thereto as are the property of and in the possession of the said parties of the first part, to the parties of the second part, for the period of twenty years from the first day of January, 1894, so that the same shall be worked by the said parties of the second part and all the receipts and earnings shall be collected by the said parties of the second part for their own use and benefit.

2. The said parties of the second part shall, within twenty-four months from the date hereof, put the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, and shall also, after putting the same in good repair, well and sufficiently at all times, during the said term of twenty years, repair, maintain, amend and keep the same and every part thereof in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where and so often as need shall be.

3. The necessary cost of putting the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track
and

and appurtenances in good repair, as above provided, shall, in the first place, be paid by the said parties of the second part who shall be reimbursed by the said parties of the first part by the application by the said parties of the second part, of so much of the rents hereby reserved for the first two years of the said term of twenty years, as shall be necessary to recoup them the amount of the said cost; provided, however, that, in case the parties hereto differ as to the amount necessarily expended by the said parties of the second part for the purposes aforesaid, the same shall be determined by arbitration in the manner provided by paragraph 13 hereof, and provided also that the amount which the said parties of the second part shall be at liberty to recoup themselves from the rent hereby reserved for the necessary cost of putting the said line of railway, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair shall not in any event exceed the sum of \$9,000. And provided also that the said parties of the second part shall be entitled to be reimbursed under the provisions of this paragraph only for and in respect of such repairs as shall have, before the same shall be made, been either agreed to by the said parties of the first part, or determined by arbitration under the provisions of paragraph 13 of this indenture, to be necessary repairs, and that no deduction shall be made from the rent as hereinbefore provided in respect of any repairs unless the same shall have been so agreed or have been determined by arbitration to be necessary repairs as aforesaid and then only on production of the vouchers showing in detail the actual expenditure therefor and, in case of dispute as to such expenditure, unless or until the amount thereof shall have been determined by arbitration under the provisions of said paragraph 13.

3.—(a) The said parties of the second part shall, at their own expense, in the first place, within twelve months from the date hereof, build on the property of the said parties of the first part in the City of St. Thomas, at some place to be agreed upon between the said parties of the first and second parts, a combined frame passenger depot and freight shed, at a cost not to exceed twenty-five hundred dollars, and a water tank or stand pipe and on the property of the said parties of the first part in the village of Port Stanley, at some place to be agreed upon between the said parties of the first and second parts, a frame warehouse thirty-five feet by sixty feet, at a cost not to exceed one thousand dollars, and shall be reimbursed therefor by the said parties of the first part by the application by the said parties of the second part, of so much of the rent hereby reserved for the first two years of the said term of twenty years, as shall be necessary to recoup them the amount of the said expenditure, provided that the said parties of the second part shall be entitled to be reimbursed, under the provisions of this paragraph, only for and in respect of such expenditure as shall have, before the same shall be made, been
either

either agreed to by the said parties of the first part as necessary for the purposes aforesaid or determined by arbitration, under the provisions of paragraph 13 of this indenture, to be necessary expenditure for such purposes, and that no deduction shall be made from the rent as hereinbefore provided in respect of any such expenditure unless the same shall have been so agreed or have been determined by arbitration to be necessary as aforesaid and then only on production of the vouchers showing in detail the actual expenditure therefor and, in case of dispute as to such expenditure, unless or until the amount thereof shall have been determined by arbitration under the provisions of the said paragraph 13.

4. The said parties of the second part shall, at the expiration, or other sooner determination of the said term of twenty years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors or assigns, the said the London and Port Stanley Railway, its property, appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

5. The parties of the second part shall pay to the parties of the first part, their successors or assigns, without any deduction whatever except as provided by paragraphs 3, 3a, 25 and 34 hereof, the clear yearly rent or sum of ten thousand dollars during the said term of twenty years, by equal quarterly payments of two thousand five hundred dollars each, on the first days of January, April, July and October, in each year during the said term of twenty years, and should in any year during the said term of twenty years the gross earnings and receipts from all sources of the said railway exceed the sum of eighty thousand dollars, the said parties of the second part shall pay to the said parties of the first part, as additional rent, at the end of each year in which the said gross earnings and receipts exceed the sum of eighty thousand dollars, ten per cent. of the said gross earnings and receipts, in excess of the said sum of eighty thousand dollars. The said parties of the second part covenant with the said parties of the first part that they will, at the end of each year of the said term of twenty years, furnish to the said parties of the first part accounts and statements of such receipts, certified by their secretary and verified by his statutory declaration as to the correctness thereof, and shall permit the parties of the first part and they the said parties of the first part shall be entitled at all times during the month of March in each year during the said term to inspect the books and accounts of the said parties of the second part having any entry or memorandum relating to the traffic or business done over any part of the said the London and Port Stanley Railway, by the auditor of the city of London, or other officer from time to time appointed for that purpose by the said parties of the first part, and the said parties of the second part shall afford to the said parties of the first part all necessary or reasonable facilities for such inspection at the head office

office of the said parties of the second part at Walkerville, in the county of Essex, and shall also on demand furnish or pay for the necessary expenses from time to time of the said auditor or other officer in travelling to and from Walkerville aforesaid.

6. In estimating the gross earnings and receipts under the next preceding paragraph hereof where freight or passengers have been carried over the railway of the said parties of the second part, or a railway now or at any time during the said term under their control, or over which they have or shall have running powers, or in respect of which they have or shall have traffic arrangements, and over the said the London and Port Stanley Railway, or any part thereof, a fair and just proportion of the whole charge therefor for the entire route shall be credited as part of the earnings and receipts of the said the London and Port Stanley Railway, and if the said parties of the first and second parts differ as to what is a fair and just proportion thereof, the same shall be determined by arbitration under the provisions of the said paragraph 13.

7. The parties of the second part shall pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or which may or shall, during the term aforesaid, be charged upon the said the London and Port Stanley Railway or its appurtenances, or upon the said parties of the first part on account thereof, or on account of any of its property.

8. The said parties of the second part shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains each way between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time during the said term of twenty years, require and at least two passenger trains daily each way shall stop at the stations where the passenger trains of the Grand Trunk Railway Company, the former lessees of the said the London and Port Stanley Railway, did during the last year of their lease stop if a passenger for such station be on board, or if the train be flagged at such station. It is understood and hereby declared that a train composed partly of freight cars, but properly equipped with first-class cars for passenger business, shall, if run on a regular schedule and at a speed of not less than twenty miles an hour, including stops, be deemed a passenger train within the meaning of this paragraph.

9. The said parties of the second part shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway without the consent in writing of the said parties of the first part.

10. That semi-weekly excursion trains from London to Port Stanley and return on same day will be run on Wednesday and Saturday in each week, from the fifteenth day of
May

May to the fifteenth day of September, in each year during the said term of twenty years, by the said parties of the second part. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as the London and Port Stanley Railway Picnic Grounds, at Port Stanley, as has heretofore been customary, and such fare shall entitle the passengers to be carried to the termini referred to in paragraph 18 hereof without extra charge.

11. The said parties of the second part covenant with the said parties of the first part that they will furnish sufficient suitable and comfortable cars, and will keep the road properly supplied with suitable and comfortable rolling stock sufficient for the requirements of the traffic, including the excursion traffic provided for by this indenture, and the efficient working of the London and Port Stanley Railway, and that the passenger cars on excursion trains shall be not inferior to what are now known as first-class closed excursion cars, and shall be substantially built both as regards the body, trucks, gear, brakes, etc., and fitted with revolving or fixed seats of a comfortable design, with centre aisle, moveable glass and slat or blind protection from sun, rain, or dust, also with lamps, closets, water-tank and other necessary appurtenances.

12. And the said parties of the second part further covenant with the said parties of the first part that they will not assign or transfer this indenture, or their rights thereunder, or any of them, or sub-let the said railway, or any part thereof, without the consent in writing of the said parties of the first part first had and obtained, except as provided by paragraph 14 hereof.

13. And it is hereby agreed that, in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties; and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within four months after the appointment of the first of such arbitrators, and, in the further event of the two arbitrators appointed, as aforesaid, being unable or failing to agree upon a third arbitrator for two weeks after their appointment, or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the Queen's Bench Division of the High Court of Justice for the Province of Ontario; or, in the event of the Chief Justice being sick, absent from the province, or otherwise

otherwise unable or refusing to act, then such third arbitrator shall be appointed by any judge of the High Court of Justice other than a local judge.

14. The said parties of the second part further covenant with the said parties of the first part that the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, and all railways which do now, or which during the continuance of this agreement, may intersect or cross or connect with the London and Port Stanley Railway, or enter the said city of London, shall have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway between St. Thomas and London, and *vice versa*, during the said term of twenty years, or until the sooner determination of the said term; and the terms and the compensation to be paid for such running powers shall, in case the parties differ about the same, be determined by arbitration in the same manner as provided by paragraph 13 hereof; and the said parties of the second part shall as far as practicable provide and keep for the said other railways proper and sufficient sidings for loading and unloading.

15. The said parties of the second part further covenant with the said parties of the first part that during the said term of twenty years the maximum rate for freight from Port Stanley to London, and *vice versa*, for special commodities, such as coal, sugar, syrup, pig iron, lead, nails, wire, lumber, grain and other like commodities, will not exceed seven dollars per car load of 24,000 pounds, and that car loads exceeding 24,000 pounds shall, for such excess over 24,000 pounds, bear a proportionate rate to the said rate, and that the actual cost only for handling at the wharf at Port Stanley between cars and vessel, and *vice versa*, shall be added if done by the said parties of the second part, who shall do the said handling if requested so to do; and that (except as provided by the next succeeding paragraph hereof) the rate for freight from Port Stanley to London, and *vice versa*, in car lots for all other commodities or articles than those above referred to shall be in just and fair proportion to the above rate, and that the actual cost only for handling at the wharf at Port Stanley between cars and vessels, and *vice versa*, shall be added if done by the said parties of the second part, who shall do the same if requested so to do; and that the rate for freight for all commodities or articles in quantities less than car lots shall be fair and reasonable, having regard to the classification hereinafter referred to, and shall include all handling between cars and vessels, and *vice versa*, at Port Stanley, without charge therefor; and, in case the parties hereto of the first and second parts shall differ as to the rates for the said other commodities or articles in car lots, or as to the rates for commodities or articles in quantities less than car lots, the same shall be determined by arbitration between the said parties of the first and second parts in the manner provided

provided by paragraph 13 hereof. And the said parties of the second part further covenant with the said parties of the first part that the classification of freight shall, during the said term of twenty years, be as provided in the Canadian Joint Freight Classification Number Nine Pamphlet hereto annexed, and marked with the letter "A," subject, however, to the powers of the Governor in Council under Section 226 of *The Railway Act*.

16. The said parties of the second part further covenant with the said parties of the first part that they will, during the said term of twenty years, carry from London to Port Stanley, for forwarding to any place in Canada, or export, and *vice versa*, the goods, wares and merchandise manufactured by any manufacturer in the said city of London, or ordered or procured by him for such manufacture, at a rate not to exceed four and a half cents per 100 pounds in car load lots, with the additional charge of the actual cost for handling at the wharf at Port Stanley between cars and vessel, and *vice versa*, if done by the said parties of the second part, who shall do the same if requested so to do, the minimum carload weight to be 24,000 pounds.

17. The said parties of the second part further covenant with the said parties of the first part that they will pay back or advance charges on all freight offered at Port Stanley, and provide for the prompt handling of the same to the destination of the goods.

18. The said parties of the second part covenant with the said parties of the first part that the said parties of the second part will, so soon as the necessary right of way therefor has been provided by the said parties of the first part (which it is optional with them to provide), if the same be provided within ten years from the date hereof, at their own cost and charges, lay the necessary tracks and do the other work necessary so that the trains can be taken around to the beach south of the present picnic grounds at Port Stanley, and will thereafter carry passengers on excursion trains to the said beach, and until such tracks are laid that they will convey the excursion passengers and run their excursion trains to and from the docks at the beach at Port Stanley aforesaid without extra charge; and in the event of the said tracks being laid to the said beach as aforesaid, the same and all materials used in the construction of the same shall at the end or sooner determination of the said term of twenty years be the property of the said parties of the first part.

19. The said parties of the second part further covenant with the said parties of the first part that during the continuance of the said term of twenty years a daily train, Sundays excepted, shall be put on, and shall leave Port Stanley so as to arrive, and shall arrive, at London between 7.45 and 8.45 in the forenoon, and that the said parties of the second part will sell commutation tickets, not transferable, good for
twenty-six

twenty-six single trips between London and Port Stanley, and *vice versa*, to be used within three months from the date of issue, and good for the members of a family and their servants, to such parties as may desire to purchase the same, at a cost not to exceed thirty-five cents per trip, and will also sell fifty-two trip commutation tickets, not transferable, good for fifty-two single trips between London and Port Stanley, and *vice versa*, to be used within three months from date of issue, and good for the members of a family and their servants, at a cost not to exceed twenty-five cents per trip. The members of a family and servants not to exceed six persons, who may be named in the ticket.

19a. The said parties of the second part further covenant with the said parties of the first part that, during the continuance of the said term of twenty years, they will sell commutation tickets, not transferable, good for twenty-six single trips between any station on the line of The London and Port Stanley Railway and the said city of London, to be used within three months from the date of issue, good only for scholars or pupils, not over eighteen years of age, attending any public school, high school, collegiate institute, or other institute of learning at the said city of London, to such parties as may desire to purchase the same, at a cost not to exceed three-quarters of a cent per mile; and will also sell fifty-two trip commutation tickets, not transferable, good for fifty-two single trips between any station on the line of The London and Port Stanley Railway and the said city of London, to be used within three months from the date of issue, good only for scholars or pupils not over eighteen years of age, attending any public school, high school, collegiate institute, or other institute of learning at the said city of London, to such parties as may desire to purchase the same, at a cost not to exceed one-half a cent per mile.

20. The said parties of the second part covenant with the said parties of the first part that they will, during the said term, issue return tickets good on Saturdays only from stations on the said railway outside of the city of London to the city of London and return on the same day at the price of a single fare with ten cents added.

21. The said parties of the second part further covenant with the said parties of the first part that, during the said term, they will sell tickets from London to Port Stanley on Saturdays, good to return on the following Monday, at single fare for the round trip.

22. It is hereby agreed by and between the parties hereto, that it shall be lawful for the said parties of the first part and their successors and all persons authorized by them, at any reasonable times during the said term, upon seven days' notice being given to the said parties of the second part, of their intention so to do, by being mailed in a registered letter posted at the post office in the said city of London addressed
to

to the said parties of the second part at Walkerville aforesaid, to enter the said demised premises, or any part thereof, to examine the condition of the same, and that the said parties of the second part will furnish to the said parties of the first part, for the purposes aforesaid, on demand, a hand car and the necessary employees to man the same; the expense thereof to be paid by the said parties of the first part.

23. The said parties of the second part further covenant with the said parties of the first part that their headquarters and offices for the working of the said The London and Port Stanley Railway shall, during the said term of twenty years, be and continue in the said city of London, and that as many employees of the said parties of the second part as can consistently with the proper working of the said railway be located at and reside in the said city of London, shall be located at and reside in the said city.

24. The said parties of the first part covenant with the said parties of the second part, that the said parties of the first part will at their own expense, whenever the said parties of the second part shall deem it necessary, and request the said parties of the first part so to do, by a notice in writing, to be given not earlier than three months from the date hereof, renew in wood, iron, steel, stone, embankment or otherwise, within six months after the receipt of the said written request, if such written request be given within the first six calendar months of the year, but within nine months after the receipt of the said written request if such written request be given within the last six months of the calendar year, the bridges, trestles and large culverts on the said line of railway, which are now wooden or partly so (the material to be used in such renewal to be at the option of the said parties of the first part), the plans for such renewal and the manner of carrying out the same, having regard to the working of the railway during construction, shall be settled and determined by two engineers, one to be chosen by each of the parties hereto of the first and second parts, and such two engineers shall, before proceeding to settle and determine the same, appoint a third engineer to act with them in the event of their disagreement, the decision of the two engineers so first chosen, if they agree, or, in the event of their disagreement, the decision of the three engineers, or of any two of them, shall be conclusive on both the said parties. In case either of the parties of the first and second parts shall neglect or fail to appoint an engineer within ten days after the request in writing by the other party, then the engineer appointed by such other party may proceed alone and his decision shall be conclusive on both the said parties. The decision shall be rendered within one month after the appointment of the third engineer, and, in the further event of the two engineers appointed as aforesaid being unable or failing to agree upon a third for one week after the appointment

ment of the one who was last appointed, then such third engineer shall be chosen and appointed as in the like event in the case of arbitration is provided in paragraph 13 hereof. The parties of the first part will also, when required so to do by the said parties of the second part by notice in writing, but not earlier than nine months from the date hereof, alter and strengthen the spans of the bridges over the Thames river and Kettle creek so as to provide ample space above the cars for the employees of the parties of the second part and comply with the provisions of The Railway Act, in that behalf. The works provided for under the first part of this paragraph shall be in accordance with the decision of the said engineers, and all the works provided for by this paragraph shall be so done and carried out as to interfere as little as possible with the traffic on the said railway.

25. Provided that the parties of the second part exercise due care and diligence to guard against fire and, for that purpose, keep constantly on the bridges, trestles and culverts in this paragraph referred to water in barrels and, in the case of the two bridges lying to the north and south of St. Thomas, do examine the same after the passage of every train, if any bridge, trestle or large culvert mentioned in paragraph 24 hereof shall have been renewed in wood, and if such renewed structure shall be damaged or destroyed by fire without the act, neglect or default of the parties of the second part, the same shall be forthwith restored by the parties of the first part, and unless they commence such restoration within five days after such fire, the parties of the second part may restore such structure to the same condition as before such fire, as nearly as may be, and shall be entitled to retain the necessary expenditure therefor out of the rents hereby reserved which shall accrue due next after such expenditure.

26. And the said parties of the second part covenant with the said parties of the first part, that the said parties of the second part will pay to the said parties of the first part as additional rental, four and one-half per centum, per annum, on the amount so expended by the said parties of the first part under paragraph 24 hereof from time to time, such interest to run from the times of the respective payments made by the said parties of the first part, for the purposes aforesaid, and to be payable from such times, quarterly, in the same manner and at the same times as the rent is payable, as hereinbefore provided, until the end of the said term.

27. The said parties of the second part covenant with the said parties of the first part, that they will on demand from time to time pay as additional rent to the said parties of the first part all insurance premiums which the said parties of the first part may or shall, during the continuance of the said term, pay for insuring and keeping insured the passenger stations,

stations, roundhouses and freight sheds which are now or may or shall, during the said term, be erected on the property of the said parties of the first part.

28. Provided always and it is hereby expressly agreed, that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, although no formal demand shall have been made therefor, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the said parties of the second part, their successors or assigns, then and in any of such cases it shall be lawful for the said parties of the first part into and upon the said railway, or any part thereof, in the name of the whole, to re-enter and the same to have, acquire, repossess and enjoy as of their former estate, anything herein contained to the contrary notwithstanding.

29. The said parties of the first part covenant with the said parties of the second part, their successors and assigns, that they, paying the rent hereby reserved and observing and performing the covenants and conditions herein contained and on their part to be observed and performed, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted without any interruption or disturbance from the said parties of the first part, their successors or assigns, or any other person or persons lawfully claiming by, from or under them, or any of them.

30. Nothing herein contained shall be taken to give to the parties of the second part the lands or property of the parties of the first part (if any) to which the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada are entitled under the agreement made between the London and Port Stanley Railway Company and the Great Western Railway Company of Canada and dated the 25th day of April, A. D. 1870.

31. Throughout this indenture the mention of the said parties is intended to include their successors and assigns unless such meaning is inconsistent with the context.

32. The said parties of the first part covenant with the said parties of the second part that the said parties of the first part will forthwith provide the said parties of the second part with temporary terminal facilities in the said city of London by the joint use with the Michigan Central Railway Company, or the sole use, at the option of the said parties of the first part, of the terminal facilities of the London and South Eastern Railway Company.

33. The said parties of the first part further covenant with the said parties of the second part, that the said parties of the first part will provide, within one year from the date hereof,
permanent

permanent terminal facilities for the said parties of the second part, as follows:

(a) By the use of the terminal facilities as the same were conferred by the Great Western Railway Company of Canada, upon the said parties of the first part by the said agreement, dated the 25th day of April, A.D. 1870, and by the erection, by the said parties of the first part, of a brick engine house with three stalls, having a frontage of forty feet and a depth of sixty-four feet and a back of seventy-seven feet, with height of back twenty-two feet and of front twenty-six feet; a turn-table at least fifty-one feet long; a stand-pipe or water tank convenient to the engine house; a coal dock twenty feet by fifty feet with a back four feet high; track scales of 50 tons capacity; a brick freight house thirty-five feet by one hundred and fifty feet with a ten-foot platform, on the property of the said parties of the first part in the said city of London.

(b) Or by the joint use with the Michigan Central Railway Company or any other company, or the sole use (at the option of the said parties of the first part) of the terminal facilities of the London and South Eastern Railway Company.

(c) Or by a passenger station to be erected by the said parties of the first part on either side of Bathurst Street, in the said city of London west of Wellington Street, and by the erection by the said parties of the first part of a brick engine house with three stalls, having a frontage of forty feet and a depth of sixty-four feet and a back of seventy-seven feet, with height of back twenty-two feet and of front twenty-six feet; a turn-table at least fifty-one feet long, a stand-pipe or water tank convenient to the engine house; a coal dock twenty feet by fifty feet with a back four feet high; track scales of fifty tons capacity; a brick freight house thirty-five feet by one hundred and fifty feet with a ten-foot platform, on the property of the said parties of the first part in the said city of London.

(d) Or by allowing to the said parties of the second part a reduction of one thousand dollars per annum from the rent hereby reserved, if the said parties of the second part be able to make satisfactory arrangements with the London and South Eastern Railway Company for the use of the terminal facilities of the London and South Eastern Railway Company (the said parties of the first part to elect during the said year which of the said terminal facilities numbered *a*, *b*, *c* and *d* they will provide.)

34. The said parties of the first part covenant with the said parties of the second part that, in the event of the destruction or damage by fire during the said term of any of the said buildings or erections on the property of the said parties of the first part so insured as aforesaid, they will, with as little delay as possible, repair or rebuild the same as may be necessary, and unless they commence such repairs or rebuilding within

within fifteen days after such fire, the parties of the second part may repair or rebuild the same as may be necessary and shall be entitled to retain the necessary expenditure therefor out of the rents hereby reserved, which shall accrue due next after such expenditure.

35. Except as otherwise herein provided, it is further agreed by and between the parties hereto that the said parties of the second part shall, at the end of the said term, be at liberty to remove any additional sidings (if any) laid by them, doing no unnecessary damage to the property of the said parties of the first part.

36. In order to provide the means to make the expenditures in the 24th paragraph hereof mentioned, it is agreed that application shall be made by the parties of the third part to the Legislature of the Province of Ontario at the next session thereof for an Act to authorize and require the parties of the third part to issue debentures to raise moneys for the purposes in such paragraph mentioned, and to provide such means when requisite, and unless such Act be then passed, this agreement shall immediately cease and become void.

37. The said parties of the third part hereby assent to this indenture and agree with the said parties of the second part that, so long during the said term as the said parties of the second part shall promptly pay the rent hereby reserved and duly and faithfully perform on their part all the terms, covenants and agreements contained in this indenture, the said parties of the third part will not seek to enforce the payment of the mortgage bonds and debentures of the said the London and Port Stanley Railway Company held by them to the detriment of the said parties of the second part.

38. In consideration of the corporation of the city of London assenting to the provisions of this agreement, the said the corporation of the city of London shall be entitled; in case of a breach on the part of the said parties of the second part, their successors or assigns, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing herein contained shall affect or prejudice the rights of the said corporation in respect of the mortgage bonds held by them against the London and Port Stanley Railway Company so as to prevent the said corporation from enforcing the same, or any right that they may acquire to the said road by means or in consequence thereof, in the event of default on the part of the said parties of the second part, their successors or assigns, in performing the covenants and agreements on their part contained in this indenture.

39. This indenture is made subject to the same being sanctioned by the necessary number and proportion of the shareholders of the London and Port Stanley Railway Company in accordance with the provisions of the Act of the Parliament of Canada, passed in the 56th year of Her Majesty's reign,

reign, and intituled *An Act respecting the London and Port Stanley Railway Company*, and subject also to the approval of the Governor of the Dominion of Canada in Council and of the Parliament of Canada, and shall not go into effect until the necessary authority to enter into and carry out the same shall have been obtained.

40. The said parties of the first and second parts agree each with the other by all proper and lawful means to join in and aid in procuring such approval of the Governor-General in Council and such legislation as aforesaid, and to sign and present petitions for these purposes, the expenses of obtaining from the Parliament of Canada legislation approving of this indenture to be borne and paid by the said parties of the second part.

In witness whereof the parties of the first and second parts have caused to be affixed their respective corporate seals, and their presidents have set their hands; and the parties of the third part have caused to be affixed their corporate seal, and the mayor has set his hand the day and year first above written.

Signed, sealed and delivered
in the presence of

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CHAPTER 72.

An Act to enable the Corporation of the Village of London West to issue Debentures and to consolidate the Debt thereof.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the village of London West have by their petition represented that they have incurred debts and liabilities to the extent of \$39,500, being the amount thereof on the thirty-first day of December, 1893, not provided for by the taxes up to that date, and including their debenture debt and floating indebtedness, and that such debts and liabilities have been incurred in the construction of a breakwater to protect the municipality from inundations from the river Thames, and in the erection of schools and other public improvements, and they have heretofore issued debentures to the amount of \$29,000, under four several by-laws, numbered respectively 185, 192, 217 and 228, authorizing respectively the issue of debentures to the amount of \$10,000, \$10,000, \$5,000 and \$4,000, all which debentures are outstanding, and that the amount of rates heretofore payable for sinking funds under the said by-laws, with interest thereon at five per cent. per annum, would now amount to \$9,300, and that the balance or sum of \$19,700 of the said debenture debt would have to be provided for out of future sinking fund rates hereafter payable under the said four by-laws and interest on the sinking fund, and that owing to the injury sustained by the municipality from floods and other causes the payment of rates necessary to meet the said liabilities as they mature would be unduly oppressive to the ratepayers, and that the amount of the whole ratable property of the municipality, according to the revised assessment roll of the year 1893, is the sum of \$318,000, and that the said corporation are desirous of issuing debentures to meet their said liabilities and of consolidating the same; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow \$39,500.

1. It shall be lawful for the said corporation of the village of London West to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body or bodies corporate, such sum or sums, not exceeding in the whole the sum of \$39,500, exclusive of interest thereon, as the said corporation shall deem proper.

2.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws authorizing the issue of debentures under their corporate seal and to be signed by the reeve for the time being and countersigned by the treasurer for the time being of the said corporation, in such sums, not exceeding in the whole the said sum of \$39,500, as the said corporation may from time to time direct; and the principal sum secured by such debentures, and the interest accruing thereon, may be made payable in the Province of Ontario or elsewhere, and may be payable in sterling money of Great Britain or lawful money of Canada, as the corporation may deem expedient.

Issue of debentures for \$39,500 authorized.

3. The corporation may, from time to time, upon the credit of all or any of such debentures, raise money not exceeding the principal thereof, by way of loan, repayable not later than the maturing of such debentures, or may sell and dispose of such debentures, or any thereof, from time to time, either at par or any other rate of premium or discount, and may from time to time pass any by-law or by-laws authorizing the reeve and treasurer for the time being respectively to do so.

Power to raise money on debenture

4. Such debentures, or the money raised on the credit of or arising from the sale of the same, shall be applied only toward the payment of the indebtedness of the said municipality existing on the thirty-first day of December, 1893, and the interest thereon or indebtedness incurred for or towards or in consequence of the payment thereof, and shall not be applied in any other manner or for any other purpose whatsoever; but no purchaser of, or person advancing money upon, any such debenture shall be required to see to or be affected by the application of the consideration therefor or advances thereon.

Application of proceeds of debentures.

5. Such debentures shall be made payable within such period or periods not exceeding thirty years from the thirty-first day of December, 1893, as the corporation shall determine, and shall bear such rate of interest, not exceeding five per cent. per annum, payable at such yearly or half-yearly periods as the corporation shall deem expedient, and to each such debenture coupons for the instalments of interest payable thereon may be attached.

Term of debentures.

6. The debentures or any series thereof, shall be made payable by annual instalments during the currency of the period within which the debt represented by such debentures, or such series thereof, as the case may be, is to be discharged, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year in respect of such debentures, or such series thereof, as the case may be, shall be equal, as nearly as may be, to such aggregate in each of the other years of such

Payment by annual instalments.

period, and in such case the by-law shall set forth a certain specific sum to be raised in each year during the currency of the debt represented by such debentures, which sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt as the same become respectively payable, and it shall not be necessary that any provision be made for a sinking fund.

Application of
55 V., c. 42.

7. Every special assessment made and every special rate imposed and levied under any of the provisions of this Act shall be deemed to be made, imposed and levied under the provisions of *The Consolidated Municipal Act, 1892*, and to be secured and collectable accordingly.

Calling in
outstanding
debentures.

8. Any of the debentures of the said corporation now outstanding may, but only with the consent of the holder or holders thereof respectively, be called in by the instructions of the said council on such terms as the council shall deem expedient, and discharged in whole or in part with moneys arising from the debentures issued under this Act, or in whole or in part by substituting therefor any debenture or debentures issued under this Act.

Indebtedness
of municipi-
pality not
discharged.

9. Nothing in this Act shall be taken to discharge the said corporation from any indebtedness or liability, nor interfere with the security of any of the holders of any of the debentures heretofore issued under any by-law of the said corporation, and while any debenture shall be outstanding under any such by-law heretofore passed, nothing herein shall interfere with the provisions of the by-law under which such debenture was issued as to the assessing and levying of rates for the payment thereof.

Treasurer to
keep book
showing state
of debenture
account.

10. It shall be the duty of the treasurer, from time to time of the said corporation to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open, free of charge, to the inspection of any ratepayer of the said village, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

11. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law under this Act, or to observe the formalities in relation thereto, provided by *The Consolidated Municipal Act, 1892*, nor shall any of the provisions of the Acts respecting municipal institutions, which are or may be inconsistent with this Act, apply to such by-law or any debenture thereunder, and no irregularity in the form of any by-law passed hereunder or of any debenture authorized by any by-law hereunder shall render the same invalid or illegal, or be allowed as a defence to any action or proceeding against the corporation for enforcing payment of such debenture, nor shall any purchaser or holder thereof be bound to inquire as to the necessity or propriety of passing such by-law or issuing such debenture.

Assent of electors and formalities prescribed by 55 V., c. 42, not required.

12. This Act may be cited as *The London West Consolidated Debenture Act, 1894*, and debentures issued hereunder may be known as "Consolidated Debt Debentures."

Short title.

CHAPTER 73.

An Act to reduce the Area of the Town of Newmarket.

Assented to 5th May, 1894.

Preamble.

WHEREAS the municipal corporation of the town of Newmarket, in the county of York, have by their petition prayed that the area of the said town may be reduced by taking therefrom the lands and premises hereinafter particularly mentioned and described, being a boundary road between the said town and the township of East Gwillimbury; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Area of town reduced.

1. The area of the town of Newmarket aforesaid is reduced by taking therefrom the following lands and premises, viz.:— Commencing on the southern boundary of Huron street (formerly known as the town line between the townships of East Gwillimbury and Whitchurch), and at the north-east angle of the west half of lot number thirty-five in the second concession of said township of Whitchurch; thence north nine degrees west one chain; then south seventy-four degrees west along the northern limit of Huron street aforesaid, fifty chains more or less to the south-west angle of lot number one in the second concession of the aforesaid township of East Gwillimbury; thence north nine degrees west three chains and fifty links more or less to a post planted; thence south seventy-four degrees west one chain more or less to the westerly limit of the second concession line of the aforesaid township of East Gwillimbury; thence south nine degrees east four chains and fifty links more or less along said westerly limit, and crossing Huron street to the southern limit thereof; thence north seventy-four degrees east fifty-one chains more or less to the place of beginning.

Lands separated from town, how disposed of.

2. The aforesaid lands and premises shall revert to the Crown, and form the allowance for road between the said town of Newmarket and the township of East Gwillimbury, in the said county of York.

3. The cost of and the responsibility pertaining or incidental to the maintenance of the said boundary road here-
inbefore particularly described shall be paid and borne in the proportion of one-third by the township of East Gwillimbury and two-thirds by the town of Newmarket :—Provided, however, that all sidewalks which may be laid by either municipality on such boundary road shall be maintained at the sole and exclusive cost of such municipality.

Maintenance
of boundary
road.

CHAPTER 74.

An Act to amend the Act consolidating the debt of the Town of Orangeville, and for other purposes.

Assented to 5th May, 1894.

Preamble.

WHEREAS, under and by virtue of the Act passed in the 49th year of Her Majesty's reign, chaptered 61, intituled *An Act to Consolidate the Debt of the Town of Orangeville*, the debts of the town of Orangeville were consolidated at the sum of \$67,000, and debentures not exceeding in all the said sum of \$67,000 were authorized to be issued to raise the said sum as in the said Act provided; and whereas, under and by virtue of the said Act, debentures have been issued to the extent of \$31,800, and after providing for the payment of interest the corporation of the said town has invested in mortgages on real estate the sum of \$3,300, and there remains in the Canadian Bank of Commerce to the credit of the corporation of the town of Orangeville the sum of \$976.01 the balance of the sinking fund uninvested, which the corporation of the town of Orangeville desire to invest in the manner hereinafter provided, together with all sums which may come into the hands of the corporation of the said town of Orangeville, in accordance with the provisions of section 2 of the said Act; and whereas, the corporation of the town of Orangeville have, by their petition, represented that they desire to issue the residue of the debentures unissued under the said Act, which amount to the sum of \$35,200, in the manner provided by this Act, instead of in the manner provided by the said recited Act; and, whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow \$35,200 to retire certain debentures.

1. For the payment of the sum of \$35,200, part of the debt of the town of Orangeville as consolidated by the Act passed in the 49th year of Her Majesty's reign and chaptered 61, and for which part the corporation of the said town has issued no debentures, it shall be lawful for the said corporation of the town of Orangeville to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, or body or bodies corporate, sufficient sum or sums to retire said debenture debt of \$35,200 as the different portions thereof shall respectively become due.

2. It shall be lawful for the corporation of the town of Orangeville from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town, in such sums as estimated to be necessary, in the manner hereinafter provided, to raise, by way of loan or loans, sums not exceeding in the whole the sum of \$35,200, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable in manner set out in section 4 hereof, and payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient.

Issue of
debenture^s.

3. The said corporation may, for the purposes in section 5 of this Act, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or, sell and dispose of said debentures from time to time, as they may deem expedient.

Borrowing on
debentures.

4. The said debentures to be issued under this Act may be repayable by annual instalments during their currency, which shall not exceed thirty years from the first day of June, 1894, and such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and in estimating the amounts of said annual instalments of principal and interest, interest shall not be computed at a rate exceeding five per cent. per annum.

Payment of
debentures
and interest.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation to the redemption of the said outstanding debentures of the said town of Orangeville, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Application of
debentures.

6. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The treasurer of the said town shall, on receiving instructions from the council of the said town of Orangeville so to do from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures provided

Calling in
outstanding
debentures.

provided for by this Act, and shall discharge the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debenture debt.

By-laws not to be repealed until debts paid.

8. Any by-law passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

9. It shall not be necessary to obtain the assent of the electors of the said town of Orangeville to the passing of any by-law under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Treasurer to keep proper books of account.

10. It shall be the duty of the treasurer of the said town from time to time to keep, and it shall be the duty of the members of the municipal council from time to time to procure said treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts and the said book of accounts and statement shall be at all times and at all reasonable hours open to the inspection of any ratepayer of the said town or to any holders from time to time of the said debentures which shall be issued under the powers hereby conferred and such inspection shall be allowed free of charge.

Indebtedness of corporation not discharge

11. Nothing in this Act contained shall be held or taken to discharge of the corporation of the town of Orangeville from any indebtedness or liability which may not be included in the portion of said debt of the town of Orangeville herein provided for.

Form of debentures and by-law.

12. The debentures issued under this Act may be in the form contained in schedule A to this Act and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Investment of sinking fund.

13. The said council of the town of Orangeville are hereby authorized to invest the sinking fund existing and to be raised under and by virtue of the provisions of section 2 of the said

Act passed in the 49th year of Her Majesty's reign, chaptered 61, in accordance with the provisions of section 375 of *The Consolidated Municipal Act, 1892.* ^{55 V., c. 42.}

14. The sinking fund heretofore raised and now available, consisting of the said sum of \$3,300 invested in mortgages on real estate, as aforesaid, and \$976 cash deposited in the Canadian Bank of Commerce, shall, after the outstanding debentures of the said town are redeemed by means of the debentures herein authorized to be issued, be applicable to the payment of the debentures, to the extent of \$31,800, already issued in pursuance of the provisions of the said in part first recited Act passed in the 49th year of the reign of Her Majesty and chaptered 61. Application of present sinking fund.

15. Any provision in the Acts respecting municipal institutions in the Province and in the said Act consolidating the debt of the town of Orangeville which are or which may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and any irregularity in the form of said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof shall not render the same invalid or illegal or to be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof and the holder or holders thereof shall not be bound to enquire as to the necessity of passing such by-law or by-laws or issuing the debentures or as to the application of the proceeds thereof. Inconsistent enactments.

SCHEDULE A.

(Section 12.)

PROVINCE OF ONTARIO, TOWN OF ORANGEVILLE.

DEBENTURE.

Under and by virtue of the Act passed in the 57th year of the reign of Her Majesty Queen Victoria, intituled *An Act to amend the Act consolidating the Debt of the Town of Orangeville, and for other purposes.*

The corporation of the town of Orangeville in the county of Dufferin and Province of Ontario promise to pay to the bearer at _____ the sum of _____ on the _____ day of _____.

Dated at the town of Orangeville in the county of Dufferin this _____ day of _____ A.D. _____.

SCHEDULE

SCHEDULE B.

(Section 12.)

BY-LAW NO.

Whereas the corporation of the town of Orangeville desire to raise by way of loan on the credit of the debentures of the town of Orangeville the sum of \$ under the provisions of the Act passed in the 57th year of the reign of Her Majesty Queen Victoria, intituled *An Act to amend the Act consolidating the Debt of the Town of Orangeville and for other purposes.*

And whereas it has been estimated that in order to raise the said sum of \$ debentures for the sum of \$ each to fall due on the day of and on the same day in each of the following years will be sufficient to realize the said sum of \$.

And whereas the said Act authorizes the issue of debentures for the purposes therein mentioned and in the manner hereby provided.

And whereas the amount of the whole ratable property of the said town of Orangeville according to the last revised assessment roll of the said town, being for the year was \$.

Therefore the municipal corporation of the town of Orangeville enacts as follows :—

1. That it shall be lawful for the mayor of the town of Orangeville for the purposes aforesaid to borrow the said sum of \$ and in order to raise the said sum of \$ he may issue debentures of the said corporation for the sum of \$ each to fall due on the day of and on the same day in each of the following years, it being estimated that the sale of such debentures will realize the said sum of \$. The said debentures shall be payable at

2. It shall be lawful for the mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

Passed in open council this day of A.D. .

CHAPTER 75.

An Act respecting the City of Ottawa.

Assented to 5th May, 1894.

WHEREAS the municipal council of the corporation of Preamble.
the city of Ottawa has by its petition prayed that certain powers may be conferred on the said corporation with respect to electric power and that the said corporation may be authorized to construct main sewers for the drainage of that part of the said city known as Dalhousie Ward, and to borrow money for such purposes; and whereas the necessity for the construction of the said sewers appears to be urgent owing to the unsanitary state of certain portions of the said ward, the same being in a swampy condition, occasioned partly by the leakage of water through artificial embankments of the Rideau canal; and whereas it is claimed that the greater portion of the said Dalhousie ward was annexed to the city of Ottawa on the understanding that the construction of trunk sewers running through the said ward should be at the cost of the entire municipality and not as a local improvement; and whereas it appears that to some extent the said sewers will serve the purpose of a trunk sewer; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The municipal council of the corporation of the city of Ottawa shall, in addition to the powers conferred by *The Municipal Light and Heat Act*, which is hereby incorporated with this Act, have power to produce, manufacture and use, and supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied, and also to fix rates and charges therefor and collect the same, and to acquire and hold lands, water powers, machinery and all other property, easements and privileges necessary therefor, and shall for and with respect to such powers and purposes, or any of them, have all and every the powers which are by the said Act conferred on municipal corporations with respect to light and heat.

Manufacturing and supplying electricity.
Rev. Stat. c. 191.

(2) Nothing in this section contained shall in any way abridge, prejudice or affect any powers which the said corporation now has or is entitled to exercise under section 479a of *The Consolidated Municipal Act, 1892*.

57 V. c. 42.

Borrowing for
purposes of
Act.

Rev. Stat. c.
191.

2. The said corporation may, for the purposes mentioned in the preceding section of this Act and *The Municipal Light and Heat Act*, and in the exercise of any other powers not therein specially mentioned possessed by the said corporation in connection with the objects in the preceding section referred to or any of them, borrow any sums of money not exceeding \$250,000, and issue debentures therefor, and such debentures may be made payable in thirty years from the issue thereof.

By-Laws to be
subject to 55
V. c. 42.

3. Every by-law providing for the issue of debentures for any of the purposes aforesaid shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, as to by-laws requiring the assent of the ratepayers.

Borrowing
\$50,000 for
Dalhousie
Ward drain-
age.

4. The said Corporation may borrow a sum of money not exceeding \$50,000, to be expended in the construction of a main or trunk sewer or sewers for the drainage of Dalhousie ward in the said city of Ottawa.

Assent of
electors not
required.

5. The by-law or by-laws of the said corporation passed under the authority of the last preceding section of this Act shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof.

Irregularities
in form not to
invalidate
debentures.

6. No irregularity in the form of the said debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

CHAPTER 76.

An Act to confirm an agreement between the City of Ottawa and the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company (Limited).

Assented to 5th May 1894.

Preamble.

WHEREAS the Corporation of the City of Ottawa, the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, Limited, have presented a petition praying that an Act may be passed to confirm the indenture of agreement hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement dated the 28th day of June, 1893, ^{Agreement confirmed.} and made between the Corporation of the City of Ottawa and the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and which is set out in Schedule "A" to this Act, is hereby declared to be valid and binding upon the parties thereto.

2. The Corporation of the City of Ottawa and The Ottawa Electric Street Railway Company are hereby authorized and empowered to enter into the said agreement set forth in Schedule "A," and to do whatever is necessary to carry the same into effect. ^{City and Street Railway Company authorized to enter into agreement.}

3. The said The Ottawa Electric Street Railway Company is hereby authorized and empowered to sell, convey and assign its franchises, property and assets to the Ottawa City Passenger Railway Company, and to amalgamate with the Ottawa City Passenger Railway Company and to enter into any agreement or agreements with the said company incident to such sale or amalgamation, provided that no such sale amalgamation or agreement shall be valid unless and until the same is ratified and confirmed by two-thirds of the shareholders of the said company present, either in person or by proxy at a special general meeting thereof, duly called for that purpose in the manner prescribed by the by-laws of the said Ottawa Electric Street Railway Company. ^{Amalgamation of Ottawa City Passenger Ry. and Ottawa Electric St. Ry. authorized.}

SCHEDULE

SCHEDULE "A."

(Section 2.)

This indenture made in triplicate on the 28th day of June, A.D. 1893.

Between the Corporation of the City of Ottawa, hereinafter called the Corporation, of the first part; the Ottawa City Passenger Railway Company, hereinafter called the Passenger Company, of the second part; and the Ottawa Electric Street Railway Company, hereinafter called the Electric Company, of the third part.

Whereas by virtue of an Act of the Province of Canada, being 29-30 Vict., cap. 106, the said Ottawa City Passenger Railway Company was duly incorporated with the powers therein mentioned;

And whereas the said Act of incorporation has been amended by an Act of the Legislature of the Province of Ontario, being 31 Vict., cap. 45, and also by an Act of the Parliament of the Dominion of Canada, being 55-56 Vict., cap. 53;

And whereas the said the Passenger Company and the Corporation entered into an agreement bearing date the 18th day of May, 1885, by which the route of the said railway was changed with the consent of the said Corporation, which said agreement was ratified by by-law No. 603 of the council of the said Corporation;

And whereas the Ottawa Electric Street Railway Company was on the 13th day of February, A. D. 1891, duly incorporated by Letters Patent issued by the Lieutenant-Governor in Council of the Province of Ontario, pursuant to the provisions of *The Street Railway Act* and *The Ontario Joint Stock Companies' Letters Patent Act* with the powers, privileges and franchises in the said Letters Patent mentioned;

And whereas the said Electric Company and the said Corporation entered into an agreement bearing date the 5th day of November, A. D. 1890, by which said agreement permission was granted to the said Electric Company to operate a line of street railway by electricity in certain streets of the City of Ottawa, which said agreement was ratified by by-law of this Council dated the 14th day of January, A. D. 1891, and numbered 1098;

And whereas the said The Passenger Company and the said The Electric Company intend to amalgamate the said companies or otherwise unite and consolidate their business as soon as the necessary legal authority can be obtained for that purpose, and the said Corporation have agreed to consent to such amalgamation, and to assist the said Companies and each and every of them in obtaining such legislation or other legal authority as may be necessary to effect the said amalgamation and otherwise to confirm and ratify this agreement.

The word "Companies" as used in this agreement shall be understood to mean and apply to the said Companies, the parties to this agreement and their successors and either of them

them as the context may require until the said amalgamation or union shall take place, and thereafter the word "Companies" as herein used shall extend and apply to the said Company so formed by such amalgamation or union.

Now this indenture witnesseth: That in consideration of the covenants and agreements on the part of the said Companies in these presents contained, the consent, permission and authority of the Corporation is hereby given and granted to the Companies and their assigns to construct, complete, maintain and operate during the term of thirty years, to be computed from the 13th day of August, A. D. 1893, a double and single iron street railway, the propelling power of which shall be electricity or (with the consent of the Corporation) any other power, excepting steam (except during the period of winter, when the Companies may substitute sleighs drawn by horses), with the necessary side-tracks, switches and turnouts for the passing of cars, carriages and other vehicles adapted to the same upon and along the streets hereinafter mentioned in the manner and on the terms and subject to the conditions, restrictions and provisos hereinafter contained, and also subject to the provisions of cap. 171, R. S. O., 1887, entitled *The Street Railway Act*, or any amendment or amendments thereto that may be enacted from time to time during the currency of this agreement, so far as the same shall not be inconsistent herewith.

1. The said "The Passenger Company" and "The Electric Company" hereby agree to unite and amalgamate the business, property, franchises and assets of the two Companies upon such terms and in such manner as they shall mutually agree upon and as they may be advised, as soon as they are legally empowered to do so by legislation or otherwise, and the Company so formed shall have its head office in the city of Ottawa.

2. And the said Corporation in consideration of the stipulations, covenants and agreements herein contained on the part of the said companies and each of them hereby agree to consent to such union and amalgamation and to join and assist the said two companies in obtaining such legislation as may be necessary to effect the union or amalgamation of the said Companies, the expense of procuring such legislation to be borne by the Companies.

3. The said Passenger Company hereby gives, grants and surrenders to the Corporation all its rights, privileges and franchises under the statutes hereinbefore recited except such as are reserved by this agreement, to be held and enjoyed by the said Corporation, at and after the expiration of the said period of thirty years from the 13th day of August, A. D. 1893.

4. And the said Corporation may, after giving at least six months' notice thereof, prior to the expiration of the said period of thirty years, assume the ownership of so much of the said railway of the Companies as is situate in the Province of Ontario.

Ontario, and all real and personal property in the said Province used in connection with the working thereof, on payment of the value thereof to be determined by arbitration.

(a) After the said Corporation shall have given notice of its intention to take over the said property it may at once proceed to arbitrate under the conditions in that behalf, and both the Corporation and the Companies shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible to make their award not later than the time named by the Corporation for taking over the said property. But if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the Corporation may nevertheless take possession of the said portion of the said railway and all the property and effects thereof, real and personal, necessary to be used in connection with the working thereof, on payment into court of either the amount of such award, if the award be made, or if not, on paying into court or to the Companies such sum of money as a judge of the High Court of Justice, may, after notice to the opposite party, order, and upon and subject and according to such terms, stipulations and conditions as the said Court shall, by its order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value, the rights and privileges, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, equipment and works connected with and necessary to the operation of the said portion of the said railway, which is not to include any land, property or rights acquired or used in connection with the said street railway, and which do not actually form a part of the said street railway undertaking necessary to the carrying on of the same.

(b) In the event of the Corporation, after the expiration of the said thirty years, not exercising its right to take over the real and personal property necessary to be used in connection with the working of the said portion of the said railway, the Corporation may, at the expiration of any fifth year thereafter, exercise such right, upon giving not less than one year's notice to the Companies; and the privileges of the Companies shall continue until the ownership is assumed by the said Corporation as aforesaid or possession taken under the provision of this section as above mentioned, provided always that whenever the Corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply in the same manner as if the Corporation had exercised its rights at the expiration of the said period of thirty years.

5. The said Companies, under existing legislation and agreements and by this agreement and on the terms and conditions and subject

subject to all the restrictions, provisos and agreements herein contained and subject to the provisions of the said recited acts not inconsistent herewith, are authorized to construct, maintain and operate lines of street railway, the propelling power of which shall be electricity or, with the consent of the Corporation, any other power, except steam, as herein provided upon and along the streets of the city of Ottawa herein mentioned within the times hereinafter limited for the construction of the said lines of railway, and the powers, privileges and franchises hereby conferred or consented to shall apply respectively to the said Companies respectively until amalgamation, and after such amalgamation shall take effect, shall pass and belong to the said amalgamated Company.

6. The lines of the Ottawa City Passenger Railway Company already constructed and in operation in the city of Ottawa are the following:—

Commencing on Princess avenue, in Rideau ward, formerly the village of New Edinburgh, at the northerly limit of the city of Ottawa, thence along said Princess avenue to Ottawa street in the said ward, now called Sussex street, thence southerly along the said street across Green Island to Metcalfe square, across Metcalfe square and along Sussex street to Rideau street, along Rideau street over the Sappers' bridge to Sparks street, along Sparks street to Bank street, along Bank street to Wellington street, along Wellington street by Pooleys' bridge to Queen street, along Queen street to Bridge street and along Bridge street to the northern limit of the city of Ottawa at the bridge over the River Ottawa, called the Union bridge,

7. The lines of the Ottawa Electric Street Railway Company already constructed and in operation are the following:—

Commencing at the east end of Rideau street, in the city of Ottawa, at its intersection with Wurtemberg street, and along Rideau street aforesaid to Dufferin bridge, thence across Dufferin bridge and along Wellington street to its intersection with Metcalfe street, thence along Metcalfe street to its intersection with Albert street, and thence along Albert street and Wellington street and Broad street to the intersection of Broad and Queen streets, and on Bank street from its intersection with Albert street to the northerly end of the swing bridge over the canal; and from the intersection of Elgin and Wellington streets along Elgin street to Catherine street and thence along Catherine street to Bank street; from the intersection of Bank street with Ann street, along Ann and Emily streets to Bell street, and from Rideau street along Dalhousie street to St. Patrick street, and along St. Patrick street to St. Patrick street bridge, and across St. Patrick street bridge to Creighton street, thence along Creighton street to Charles street, in Rideau ward.

8. The said Companies have also obtained permission, by resolution of the council of the city of Ottawa, and are now constructing lines of railway on Bank street, from Albert street to Sparks street, to connect the lines of the Electric

Company on Bank and Albert streets with the lines of the Passenger Company on Sparks and Wellington streets, and also to connect the lines of the Electric Company on Creighton street in Rideau ward with the lines of the Passenger Company on Sussex street in the said ward, and from the junction of Bridge and Queen streets west along Queen street to the tracks of the Ottawa Electric Street Railway Company on Broad street.

9. That the said Companies shall construct, equip and have in operation not later than the first of June, A.D. 1895, the following additional lines of railway:—

Along Nicholas street from its intersection with Rideau street to the southern city limits; also on Theodore street from its intersection with Nicholas street to its intersection with Chapel street or some street east of it and thence to Rideau street; also to Rochesterville and Mount Sherwood in the direction of the Experimental Farm from the Richmond road by way of Preston street; and, if required by the Corporation, from Catherine street along Elgin street to the exhibition grounds; and also from the westerly end of Emily street to the southerly end of Bell street in the direction of the Experimental Farm.

10. The said Companies hereby agree that they will alter the arrangement of their tracks, so as to occupy only the Sappers' Bridge over the Rideau canal, and leave the Dufferin bridge and Wellington street between the said bridge and Metcalfe street, and Metcalfe street between Wellington and Sparks streets, and Elgin street between Wellington and Sparks streets, free from rails, and for this purpose, pending amalgamation, the said Companies agree that the cars of the Electric Company shall have running powers over the tracks of the, Passenger Company from the intersection of Sussex and Rideau streets to the intersection of Sparks and Bank streets.

11. The Electric Company shall have power to and shall forthwith remove their lines of rails from the corner of Sussex street along Rideau street over Dufferin bridge and along Wellington street to Metcalfe street, also on Metcalfe street from Sparks street to Wellington street, also on Elgin street from Sparks street to Wellington street, and notwithstanding the existing agreements with the Corporation, the said Company shall not be obliged to operate their cars or give a public car service upon any of the portions of the streets defined in this section, but the said Electric Company shall and will at its own expense, and under the superintendence and to the satisfaction of the city engineer, forthwith relay and restore the pavement and crossings on Wellington street, and relay and restore the roadbed and the crossings on the said portions of Elgin, Rideau and Metcalfe streets and Dufferin bridge, in so far as the same have been disturbed by the removing of the rails, and remove their poles and wires from the said portions of the said streets.

12. The said Companies may, with the consent of the Corporation, to be expressed by by-law, substitute other streets, or parts thereof, for the purpose of reaching the objective points hereinbefore mentioned.

13. And the said Companies shall also be entitled, with the consent and approval of the Corporation, expressed by by-law to extend the street railway service to any other of the streets of the city of Ottawa, although the same are not herein specially named.

14. The Corporation shall grant to the said Companies all licenses, rights and privileges necessary for the proper and efficient use by electric power, or, with the consent of the Corporation, any other power except steam, to operate the cars upon the said streets, including the right to open the said streets for the purpose of inserting and maintaining and to insert and maintain poles for the wires conveying electric power, provided that the Corporation are not bound to supply any land, water, or other property whatsoever, or the use of any such.

15. The said Companies are hereby authorized to use passenger and other cars, as the Corporation may determine, and take, transport and carry passengers and baggage upon the same.

16. The said Companies shall not in any case connect any of their wires with the water pipes or service pipes, or with any of the appliances in connection therewith, without the consent of the Corporation; and the said Companies shall, and will at their own expense, remove any such connections when required to do so by the said Corporation, and shall and will pay to the said Corporation any damages and expenses that the said Corporation may have incurred or may be put to by reason of the said connections having been made.

17. The Corporation shall not before the 13th day of August, A.D., 1898, grant authority to any company, private individual, or firm, to construct and operate a street railway in any other part of Ottawa; and in the event of any company, private individual, or firm, thereafter proposing to construct street railways on any of the streets of the city of Ottawa, including the streets mentioned in this agreement and not occupied by the Companies, and the Corporation determining that there should be street railway service on such streets, the matter and substance of the proposal shall be notified to the Companies, and the option of constructing such proposed railways on the conditions contained in this agreement shall be offered to the Companies, but if such option shall not be accepted by the Companies within thirty days thereafter, or if the same having been accepted, the Companies shall not proceed with the necessary works and complete the same within the time limited by the Corporation, the Corporation may grant the authority to any company (organized after the above date), private individual, or firm, and the Corporation and its

grantees shall be entitled to cross the lines of the said Companies with such railways as are authorized by this clause.

Except as provided in the immediately preceding clause, the Corporation shall preclude any company, private individual, or firm, from constructing lines of street railway or using the lines of the said Companies on any street occupied by the said Companies.

18. The Corporation shall grant to the said Companies exemption from taxation and all other municipal rates on their franchises, tracks and rolling stock, and other personal property used in and about the working of the railway, also on the income of the Companies earned from the working of the said railway, for a period of thirty years from the said 13th day of August, A.D., 1893. But this shall not apply to the real estate of the Companies.

18.—(a) All workshops, repair shops, storehouses and car sheds of the Companies shall be in the city of Ottawa, except that the Company may have a car shed suitable for ten cars elsewhere.

19. The said Companies shall pay to the Corporation annually the sum of four hundred and fifty dollars (\$450) per mile of street occupied by the tracks of the said Companies at any time during the first fifteen years for each year of such occupation, and five hundred dollars (\$500) per mile of street occupied at any time during the next fifteen years for each year of such occupation, such payments to be made in equal semi-annual instalments on the 1st day of February and the 1st day of August in each year after 1893, and to be computed from the said 13th day of August, 1893, the first of such instalments to be due and to be paid on the 1st day of February, 1894, the Corporation on their part agreeing to keep the crossings clean and in good repair and the said streets in good repair; provided that the Corporation shall not be liable for any accident occasioned by the cars, works, wires, or tracks of the said Companies, or in the working of the same or any matter or thing in connection therewith, or for any obstruction, or for any delays for the times required for the purpose of making repairs or new structures that may be necessary.

20. The Companies will provide special stringers on the under beams of the bridges traversed by the railway for their rails, and be at all expense for re-planking and re-modelling the flooring and timbers of all bridges, so far as may be necessary for the purpose of laying the rails upon such bridges, to the satisfaction of the City Engineer, in order to leave the rails flush with the planking or roadway, in accordance with a plan to be approved by the City Engineer, and will maintain and keep in repair the said stringers.

20.—(a) In the event of any of the bridges under the control of the Corporation traversed by the said railway requiring the supports or superstructure thereof to be strengthened, and in the opinion of three arbitrators, or a majority of them, to be composed of the City Engineer and a qualified civil engineer,

to

to be appointed by the Companies, and a third arbitrator to be appointed by the two previously named, the necessity for such strengthening has been caused or occasioned by the Companies or their traffic thereon, the Companies and Corporation shall bear the cost of such strengthening in equal proportions; provided that the Corporation shall not be liable for any obstruction or for any delays that may be caused by reason of any repair to the bridges or any strengthening thereof that may be required by the said City Engineer.

20.—(b) In the event of the said Companies failing to appoint such arbitrator within 5 days after notice given to the Companies by the city engineer, or in the event of the said two arbitrators failing to name a third within 5 days after their appointment, the judge of the county court of the county of Carleton may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require.

21. The tracks of the railway and all works necessary for constructing and laying the same shall be built and made in a substantial manner and according to the best modern practice, under the supervision of the city engineer, or such other officer as the Corporation shall appoint, and to the satisfaction of the Corporation.

22. The lines of railway shall be of the gauge of four (4) feet eight and one-half ($8\frac{1}{2}$) inches, and the rails shall be the standard tee rail of not less than fifty-six (56) pounds to the yard, and shall be laid, kept and maintained by the said Companies flush with the streets, and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same, the Corporation, on their part, agreeing to maintain the streets in proper repair and keep the same up to the grade with which the Companies are from time to time required to keep their rails flush.

23. In lieu of the payment of four hundred and fifty dollars (\$450) or five hundred dollars (\$500) per mile, respectively, as hereinbefore provided, the said companies shall pay annually, during the lifetime of such work, at the rate of one thousand dollars (\$1,000) per mile and in the same proportion for any distance less than a mile of street occupied by the track of the said companies, which shall be hereafter permanently paved, and shall also pay a bonus at the rate of one thousand dollars (\$1,000) per mile and in the same proportion for any fraction of a mile for each mile or fraction thereof so paved, such bonus to be paid on the passing of the by-law under which such pavement is to be constructed.

24. Permanent pavement shall mean pavement of natural or artificial stone or asphalt, all of which shall be laid on a rubble stone or concrete foundation, or which the Corporation shall construct under Local Improvement By-law (and any other pavement which may be hereafter mutually agreed upon between the companies and the Corporation as constituting permanent pavement), so as to pave the entire street from curb

curb to curb, and any pavement coming under this clause shall be constructed and maintained in good repair at the expense of the said Corporation, during the lifetime of said work as certified by the city engineer.

25. The location of the poles, tracks and rails shall be subject to the approval of the Corporation, and the tracks shall conform to the grades of the several streets upon or along which the same are now, or shall hereafter be established. The said companies shall not in any way alter or change the same.

26. Before breaking up, opening or interfering with any part of the streets for the purpose of constructing the railway, the Companies shall give the Corporation six days' notice in writing of their intention so to do, and no more than three thousand (3,000) lineal feet of the streets shall, without authority from the Corporation, be broken up or open at any one time, and when the work shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to the proper and efficient construction of the same.

27. Before commencing any work of alteration or repair, the Companies shall give to the city engineer notice of their intention so to do, and no more than 60 lineal feet of the streets shall, without his authority, be broken up or open at any one time or place, and when the work of alteration or repair shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to their proper repair or alteration.

28. During the construction or repair of the railway due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the streets, and other streets running at right angles thereto, shall not be unnecessarily impeded, and that the water courses of the streets shall be left free and unobstructed, and lights, barriers, or watchmen shall be provided and kept by the Companies where and when the same shall be required, to prevent accidents to the public.

29. While the rails are being laid, or any of the work of the Companies is in course of construction or repair, the Companies shall cause a free passage to be kept open for carriages and vehicles, and the Companies shall remove or spread all surplus material over the street as shall be directed by the officer of the Corporation, for the time being, having charge of the repairs of the streets, but the companies shall not be obliged to remove such surplus material to a greater distance than one mile.

30. The Corporation, and the officers and servants thereof, shall have the right to take up the streets traversed by the railway, either for the purpose of altering the grades thereof, constructing or repairing the drains, sewers or culverts, or laying down or repairing the gas or water pipes, or for any other

other purpose for the time being within the powers, privileges, duties and obligations of the Corporation, without any compensation to the said Companies, and without being liable to the Companies for any damage that may thereby be occasioned to the Companies or the works connected therewith or the working thereof, and the Corporation shall not be liable to the Companies for any damage the Companies may sustain from the breaking of sewers or water pipes.

31. The Companies shall be liable for all damages which may be occasioned to any person by reason of the construction, maintenance, repairs, or operation of the railway.

32. The Companies shall indemnify and keep indemnified and save harmless, the Corporation at all times from all costs, damages and expenses of every nature and kind whatsoever, which the Corporation may be put to or have to pay by reason of the exercise by the Companies of their powers or any of them, or by reason of neglect by the Companies in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works, or any of them, or by reason of the said works becoming unsafe or out of repair or otherwise, howsoever; and should the Corporation incur, pay, or be put to any such costs, damages or expenses, the Companies shall forthwith, upon demand, repay the same to the Corporation.

33. In case the Companies shall fail to keep in a proper and sufficient state of repair the tracks of the railway so far as the Companies are under the terms of this agreement liable so to do, the Corporation, after one week's notice in writing to the superintendent, which may be served at the office of the Companies in Ottawa, may do the said repairs at the expense of the Companies, and the amount so expended may be recovered from the Companies in any court of competent jurisdiction.

34. If the Companies shall at any time permit any portion of the railway to become out of repair, or as in the opinion of the city engineer it should not be, the Companies shall not, if so required by the Corporation, operate such part of the railway as may be reported out of repair, until the city engineer shall further certify that all necessary repairs have been made to his satisfaction.

35. When it is necessary that the Companies' tracks should cross the track of any of the railway companies or any of the work or property subject to any government, the Corporation shall join with the Companies in the application to obtain such privileges, the Companies paying the expenses of such application.

36. Upon the execution of this agreement by the parties hereto, the sum of five thousand dollars (\$5,000), now deposited with the said Corporation by the Ottawa Electric Street Railway Company, with the ordinary bank interest thereon, shall be returned to the said Company, on depositing with the city treasurer a bond to the satisfaction of the Corporation conditioned

ditioned for the due completion to the satisfaction of the Corporation of the lines of railway mentioned in clause 9 of this agreement.

37. In the event of the Companies running their cars on wheels during the winter months the said Companies shall, at their own expense, remove the snow from the streets occupied by the tracks of the Companies from curb to curb, including such snow as may be deposited upon the said streets from sidewalks on such streets, and also all such snow as may slide or naturally fall from roofs of buildings on to such streets or on to such sidewalks and be thence removed to such streets. Provided, however, that snow to such a depth as may be determined by the City Engineer from time to time shall be left on the roadbed for sleighing, and in the event of the Companies neglecting to remove the snow from the streets as and when directed by the City Engineer, the same shall be removed by the said city engineer, acting on behalf of the Corporation, and all the cost of such removal and all expenses incurred by reason of such non-removal by the Companies, shall be paid by the Companies to the Corporation on demand. The said Companies shall not deposit any of the snow so removed on any of the streets of the city without the written permission of the City Engineer.

38. Whenever it shall be necessary to remove any snow or ice from the track of the railway, the same shall not be left in heaps, but be spread evenly over the street or removed as shall be directed by the officer of the Corporation for the time being charged with the supervision of the streets.

39. The Companies shall not make use of salt, except on their rails, and then only as approved of from time to time by the City Engineer.

40. In the event of the Companies using wooden poles for the support of the electric wire on the streets and squares of the city of Ottawa, such poles shall be uniform and shall be dressed, shaped and painted to the satisfaction of the Corporation.

41. Should the Companies at any time cease to regularly use for the purpose of their railway for a period of six months, the poles and wires or tracks placed in the streets, the Companies shall forthwith, at their own expense, remove such poles, wires and tracks, and put the streets in proper repair, and in default thereof, the Corporation may do so and charge the expense thereof to the Companies.

42. The Companies' line shall be divided into routes, the designation of which may, with the consent of the Corporation, be altered from time to time, each of which routes shall have terminal and central points, and the time of the departure of the car making the last trip for the day from each of said terminal and central points shall be published by authority of the Company, by time-table or advertisement, and such time so published shall not be departed from under the penalty of \$10 for each and every offence, but the Companies shall

not be liable to any penalty in case of obstruction to their line or other cause beyond the control of the Companies.

43. In the summer months the Companies shall run cars at intervals not exceeding 10 minutes each way, on the streets mentioned in the 6th and 7th clauses hereof, and at intervals not exceeding 15 minutes each way on the rest of the lines between the hours of 6 a.m. and 8 p.m., and every half hour between the hours of 8 p.m. and 11 p.m., and on special occasions calling for increased service the Companies will supply it.

43.—(a) During the summer months the cars on the Dalhousie street branch shall begin running at 5.30 a.m.

44. In the winter months the cars shall run at intervals not exceeding twenty minutes each way between the hours of 7 a.m. and 7 p.m., and every half hour between the hours of 7 p.m. and 10.30 p.m.

44.—(a) In the event of the neglect or failure on the part of the Companies, or either of them, to run their car or cars, as required by paragraphs 43 and 44 of this agreement, except when prevented by (1) lightning, (2) ice or a heavy fall of snow, (3) obstruction on the road beyond their control, (4) or any other cause which the council for the time being may allow or excuse, as the occasion may arise, the said Companies shall, in all such cases of failure, forfeit and pay to the Corporation the sum of \$10 as liquidated damages and not as a penalty.

45. It shall not be incumbent upon the Companies to maintain a service between the present Canada Atlantic railway station and the exhibition grounds by way of Elgin street from the first of November to the first of May in any year.

46. No higher fare than five cents shall be charged for the conveyance of one passenger from one point to another on the said line and branches thereof within the present city limits, and for children under ten years of age no higher fare than three cents will be charged, except between the hours of 12 o'clock midnight and 5.30 a.m.

47. Between the hours of twelve o'clock midnight and five-thirty a.m. the Companies may charge a fare of not more than ten cents for the conveyance of each passenger carried by them.

48. When cars do not run from one point to another, the Companies shall issue transfer tickets without extra charge, available for a continuous trip only, to such passengers as require them to reach such points, but no passenger shall be entitled to a transfer ticket which will enable him to make a return journey upon one of the parallel lines of the Companies.

49. The Companies agree to issue tickets at reduced rates to working-men and others at the rate of thirty-three tickets for one dollar, or eight tickets for twenty-five cents, good from the first trip in the morning until seven-thirty a.m., and between the hours of five and six-thirty p.m. and to carry school children under fourteen years of age to and from school at the

rate

rate of forty tickets for one dollar, good between the hours of seven and nine-thirty a.m., eleven-thirty and one-thirty p.m. and three-thirty and five p.m.

49.—(a) In the clauses of this agreement in which the time of day is mentioned, such time shall be understood to mean standard time at the city of Ottawa.

50. Fares shall be due and payable by every passenger on entering the car or other conveyance, and any person refusing to pay the fare when demanded by the conductor shall be liable to a fine not exceeding \$5, recoverable before any Justice of the Peace.

51. The Companies and their servants and officials shall conform to the regulations in the schedule hereto annexed and such further and other regulations as the Corporation shall from time to time deem requisite or necessary, and enact for the protection of persons and the property of the public.

52. In this agreement, unless the context otherwise requires, the expression "track" shall mean the rails, ties, wires and other works of the Companies used in connection therewith.

53. When necessary in case of fire the Chief or person in charge of the fire brigade shall have the right to cut or pull down any wires of the Company which obstruct the operations of the firemen, or to direct that they shall be so cut or pulled down, and also to require the Company to stop the running of their cars to or near the building or buildings which may be on fire, and the Corporation shall not be liable for any loss or damage thus caused.

54. The privileges hereby granted are subject to any existing rights (statutory or otherwise) of any other Corporation or Company which now has power to open or take up the streets of the city, and are also subject to the provisions of any by-laws of the said Corporation now in force, or that may hereafter be enacted by the Corporation during the currency of this agreement, not inconsistent with the terms of this agreement.

55. The said parties hereto agree to join in applying to the Parliament of the Dominion of Canada and to the Legislature of the Province of Ontario for Legislation confirming and ratifying this agreement and declaring the same to be valid, legal and binding upon the parties hereto, (the expenses of procuring such legislation to be borne by the Companies).

56. If the said legislation should for any reason not be granted so that this agreement shall not be legalized and declared valid and binding upon all the parties hereto, the parties to this agreement shall be restored and remitted to their rights and legal position as they existed immediately prior to the execution of this agreement, but neither the said Companies nor the said Corporation shall have any claim against the other to recover as damages moneys expended upon the faith of this agreement.

In

In witness whereof the parties hereto of the first part have hereunto caused their corporate seal to be affixed under the hand of their Mayor and City Clerk, and the parties hereto of the second and third parts have caused their corporate seals to be hereunto affixed.

Signed, sealed and delivered in the presence of	}	(Sgd.) O. DUROCHER, Mayor.	[SEAL.]
		(Sgd.) JOHN HENDERSON, City Clerk.	
(Sgd.) A. MACLEAN.	}		
(Sgd.) F. H. CHRYSLER.			

The Ottawa City Passenger Ry. Co., by

(Sgd.) W. Y. SOPER,
President.

(Sgd.) JAMES D. FRASER,
Secretary.

[SEAL.]

The Ottawa Electric Street Ry. Co. (Ltd.) by

(Sgd.) J. W. MCRAE,
President.

(Sgd.) JAMES D. FRASER,
Secretary-Treasurer.

[SEAL.]

SCHEDULE.

The following rules and regulations in regard to the working of the railway shall be observed by the Companies and the officers and servants thereof:—

1. The Companies shall cause each car or other vehicle used by it to be numbered.

2. The cars or other vehicles shall be propelled by electricity, except during the period of winter, when it may be necessary to use sleighs drawn by horses or propelled by electricity.

3. The cars shall not be propelled at a higher rate of speed than ten miles an hour within half a mile of the Parliament buildings.

4. Should there be any foot passengers on any crossing before the car approaches the same the car shall be stopped so as to permit such passengers to cross.

5. Each car is to be supplied with a gong which shall be sounded by the driver when the car approaches to within fifty feet of each crossing.

6. The car shall not be wilfully driven against any person or animal whilst being upon or crossing any of the streets of the city.

7. No cars shall be allowed to stop on or over a crossing, or in front of any intersecting streets, except to avoid a collision or prevent danger to persons in the streets, or for other unavoidable reasons, and no cars shall be left or remain in the street at any time, unless waiting for passengers.

8. When it is necessary to stop at the intersection of streets to receive or leave passengers the cars shall be stopped, so as to leave the rear platform slightly over the last crossing.

9. Conductors and drivers shall be required to bring the cars to a stop when passengers request to get on and off the cars.

10. After sunset the cars shall be provided with coloured signal lights, for front and rear, and while sleighs are used, a bell shall be attached to the harness of each horse.

11. There shall be a conductor as well as a driver on each car or train, except on such portions of the lines as may be hereafter determined by the corporation.

12. The conductor shall announce to the passengers the names of the streets and public squares as the cars reach them.

13. The cars shall be properly heated and lighted.

14. Careful, sober and civil agents, conductors and drivers shall at all times be employed to take charge of the cars on the said railway.

15. The said Companies and their servants and officials shall conform to all such further and other regulations as the said council shall from time to time deem requisite or necessary to enact for the protection of persons and of property of the public.

(Sgd.) O. DUROCHER,
Mayor. [SEAL.]

The Ottawa City Passenger Ry. Co., by

(Sgd.) W. Y. SOPER,
President.

(Sgd.) JAMES D. FRASER,
Secretary. [SEAL.]

The Ottawa Electric Street Ry. Co. (Ltd.), by

(Sgd.) J. W. McRAE,
President.

(Sgd.) JAMES D. FRASER,
Secretary-Treasurer. [SEAL.]

CHAPTER 77.

An Act respecting By-law No. 373 of the County of Oxford.

Assented to 5th May, 1894.

WHEREAS the corporation of the county of Oxford have Preamble.
by their petition represented that at the assizes held in the said county in the spring of 1888, an indictment was preferred against the said county in respect of the then existing court house and a true bill thereon returned by the grand jury ; that certain steps were thereafter taken by the said corporation with a view to the erection of a new court house ; that in the year 1889 tenders were advertised for and a contract made for the erection and completion of such court house ; that in the year 1891 by-law No. 344 of the said corporation was passed, providing for the oversight of the building and the furnishing and completion of the same ; and whereas, the said corporation have further represented that prior to the year 1891 urgent appeals were made, especially by the presentments of the grand juries of the various courts for the erection and establishment of a house of refuge ; that in the year 1891 by-law No. 349 of the said corporation was passed providing for the purchase of land for an industrial farm, and that a farm was in accordance with such by-law purchased in the same year, and a plan for a house of refuge selected, tenders invited, and a contract entered into for the erection and completion of the same ; that by by-law No. 355 provision was made in the year 1892 for the erection, furnishing and completion of the said house of refuge ; and whereas it has been represented by the said petition that the said court house has been erected, furnished and completed at a total cost of \$125,000, and that the said industrial farm and house of refuge have been purchased and completed at a cost of \$30,000 ; and whereas, it has been further represented that by-law No. 373 of the said corporation has been passed to authorize the issue of debentures to the amount of \$155,000 for the payment of the cost of the said court house, industrial farm and house of refuge, but that doubts have arisen as to the validity of the said by-law No. 373 on the ground that such by-law had not been submitted to the vote of the ratepayers ; and whereas, it has been represented by the said petition that the said by-law was passed on the advice of the solicitor for the county and that the same was made known to persons in the county through the public press, by the publication and distribution of the minutes of the council and in other ways ; and
whereas

whereas, the council of the said corporation have by their petition prayed that an Act may be passed confirming and legalizing the said by-law No. 373; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 373
confirmed.

1. The said by-law, numbered 373, of the municipal corporation of the county of Oxford, set forth in schedule A, hereto is hereby legalized and confirmed, and declared to be binding upon the said corporation and the rate-payers thereof, notwithstanding any irregularity in the passing or form of the said by-law or anything contained in any Act to the contrary.

Payment of
debentures
and interest.

2. The debentures to be issued under the said by-law shall be signed by the warden and countersigned by the treasurer for the time being for the said county of Oxford, and shall be in sums of not less than \$100 each, and shall be payable at the times and in the manner set out in the said by-law, and may be in the form set out in schedule B. to this Act. Interest on the said debentures shall be paid annually on the 30th day of September in each and every year at the office of the treasurer of the said county, and coupons therefor shall be attached to the said debentures.

Short title.

3. This Act may be cited as *The County of Oxford Debenture Act, 1894*.

SCHEDULE "A."

(Section 1.)

BY-LAW NO. 373, OF THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF OXFORD.

To authorize the issue of debentures for the payment of the new court house erected in the county of Oxford, the industrial farm and house of refuge in the county of Oxford, and to provide for the payment of the same and the interest thereon.

Whereas under the authority of by-laws numbered 343 and 344 respectively, duly passed by the municipal council of the corporation of the county of Oxford, a new court house for the county of Oxford has been erected, and the offices therein furnished at the cost of \$125,000;

And whereas under by-laws numbered 349 and 350 respectively, duly passed by the municipal council of the corporation of

of the county of Oxford, an industrial farm has been purchased and a house of refuge erected thereon, and the implements and furnishings at a cost for the same of \$30,000;

And whereas it is advantageous to the county and expedient to issue debentures extending over a period not exceeding twenty years for the aggregate sum of \$155,000 to pay for the said court house, industrial farm and house of refuge and the furnishing thereof;

And whereas it is necessary to recite in this by-law the following facts, namely:—

1. That the amount of the whole ratable property of the municipality of the county of Oxford, according to the last revised and equalized assessment roll, is the sum of \$26,784,482.

2. That the amount of the existing debentures debt of the municipality of the county of Oxford now is the sum of \$207,300, and that none of the principal or interest thereon is in arrear.

3. That there is on hand and invested in a sinking fund money amounting to the sum of \$181,818 for the purpose of paying the said sum of \$207,300 of the existing debenture indebtedness of the county of Oxford.

And whereas it is desirable and necessary that the sum of \$155,000, for which debentures are to be issued under the authority of this by-law, should be repaid in twenty years from the day on which this by-law takes effect, together with the interest thereon, at the rate of four per centum per annum, the same to be repayable by annual instalments during the twenty years next ensuing after the date of this by-law coming into effect;

And whereas the total amount to be raised annually by special rate for the payment of interest on the said sum of \$155,000 is the sum hereinafter set forth.

And the total amount to be raised annually for the payment of the principal of the said sum is the sum hereinafter set forth.

The whole of the money to be raised annually for the payment of the principal and interest during the said period of twenty years being the sum of \$11,405.17.

Be it therefore enacted, and it is hereby enacted by the municipal council of the corporation of the county of Oxford, That for the purposes aforesaid the warden of the county of Oxford is hereby authorized and instructed to sign any number of debentures and attach the corporate seal of the county of Oxford to the same for sums not less than one hundred dollars, and not exceeding in the whole the sum of \$228,103.40, and that the said debentures shall be countersigned by the county treasurer of the county of Oxford.

The said debentures shall be issued and bear date the second day of October, 1893, and shall be made payable in equal

yearly

yearly sums upon the thirtieth day of September in each of the succeeding twenty years from and including the year 1894, as follows:

	Principal.	Interest.	Total.
1	\$5205 17	\$6200 00	\$11405 17
2	5413 37	5991 80	11405 17
3	5629 92	5775 25	11405 17
4	5855 11	5550 06	11405 17
5	6089 32	5315 85	11405 17
6	6332 89	5072 28	11405 17
7	6586 21	4818 96	11405 17
8	6849 65	4555 52	11405 17
9	7123 64	4281 53	11405 17
10	7408 58	3996 59	11405 17
11	7704 92	3700 25	11405 17
12	8013 12	3392 05	11405 17
13	8333 65	3071 52	11405 17
14	8667 00	2738 17	11405 17
15	9013 67	2391 50	11405 17
16	9374 22	2030 95	11405 17
17	9749 19	1655 98	11405 17
18	10139 15	1266 02	11405 17
19	10544 72	860 45	11405 17
20	10966 50	438 67	11405 17
	<hr/> \$155,000 00	<hr/> \$73,103 40	<hr/> \$228,103 40

The said debentures shall be made payable, and shall be payable at the office of the treasurer of the county of Oxford in the town of Woodstock.

There shall be raised and levied in each year by a special rate on all the ratable property in the municipality of the county of Oxford, as equalized from year to year by the county council of the county of Oxford in each and every of the years from and including the year 1894 to and including the year 1913, the sum of eleven thousand four hundred and five dollars and seventeen cents for the payment of the said debentures and the interest thereon.

This by-law shall come into force and take effect on and after the second day of October, 1893.

Read a third time and passed this 9th day of June, 1893.

(Sgd.) JAMES WHITE,
County Clerk.

(Sgd.) D. R. CALDER,
(L.S.) Warden.

SCHEDULE "B."

(Section 2.)

PROVINCE OF ONTARIO, COUNTY OF OXFORD.

Debenture.

No.

\$

Under and by virtue of *The County of Oxford Debenture Act, 1894*, and by virtue of By-law No. 373, of the corporation of the county of Oxford, the corporation of the county of Oxford promise to pay in gold coin of standard weight and fineness to the bearer at the office of the treasurer of the county, in the town of Woodstock, the sum of

dollars on the day of

, one thousand hundred and , and the

yearly coupons hereto attached, as the same shall severally become due.

Dated at the town of Woodstock, this day of

189 .

L. S.

Warden
Treasurer.

CHAPTER 78.

An Act respecting the Town of Peterborough.

Assented to 5th March, 1894.

Preamble.

WHEREAS by the Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted that it should not be lawful for the corporation of the town of Peterborough to incur any further debt or liability than as therein set forth, beyond the current expenses to be paid out of the annual assessment, without the sanction of the Legislature; and whereas the corporation of the town of Peterborough have by their petition prayed for the sanction of the Legislature in respect of the several matters hereinafter set forth; and whereas the corporation of the county of Peterborough and the corporation of the town of Peterborough have agreed to the provisions of section 1 of this Act; and whereas the corporation of the town of Peterborough have, under by-laws numbered 594, 615 and 616, issued debentures to the amount of \$37,000, which are held by the Nicholls Hospital Trust as part of the endowment moneys of the said trust, and the said Nicholls Hospital Trust are willing that the provisions herein contained should be enacted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Maintenance
of Pigeon
Creek bridge.

1. The corporation of the town of Peterborough shall hereafter from time to time contribute and pay to the corporation of the county of Peterborough, towards the future maintenance and repair of the bridge known as the Pigeon Creek floating bridge, on the main road leading from the town of Peterborough to the village of Bobcaygeon, one-half of that proportion of the cost of the future maintenance and repair of the said bridge which the corporation of the county of Peterborough shall be bound to contribute thereto according to the provisions of the Act passed in the 55th year of Her Majesty's reign, chaptered 73. The corporation of the county of Peterborough shall pay to the corporation of the town of Peterborough forthwith the sum of twelve hundred and fifty dollars towards the reconstruction of the Smith street bridge.

Smith Street
bridge.

Local im-
provments.

2. The council of the town of Peterborough shall, notwithstanding the said recited Act, or the Act passed in the 53rd year of Her Majesty's reign, chaptered 99, have all the powers

as

as to passing by-laws and otherwise with respect to drainage, sewerage, and local improvements, that are or may hereafter be conferred upon the councils of other towns by *The Consolidated Municipal Act, 1892*, or amendments thereto.

55 V c. 42.

3. It shall not be necessary for the corporation of the town of Peterborough, unless and until the council thereof shall by by-law otherwise direct, to cause to be levied any sum for sinking fund in respect of the debentures of the said corporation to the amount of \$37,000, numbered 344 and 345, issued for public school purposes under by-laws numbered 594, 615 and 616 and held by the Nicholls Hospital Trust on account of the endowment moneys of the said trust, and any moneys heretofore levied for sinking fund in respect of the said debentures may, by by-law or by-laws to be passed by the council of the said town, be applied to the erection or permanent improvement of public school buildings in the said town, or to the payment of liabilities for such buildings or improvements already incurred; and such debentures may be retired at or after the time the same shall respectively become due by the issue of new debentures for the like amount, subject to the same provisions as to sinking fund as are herein contained.

4. Section 1 of the Act passed in the 49th year of Her Majesty's reign, chaptered 63, is amended by striking out the words "the by-law or by-laws granting such renewal having first received the approval of the ratepayers in the manner provided by the section 294 and the following sections of *The Consolidated Municipal Act, 1883*."

49 V., c. 63, s. 1 amended.

5. Section 6 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 99, is amended by striking out the figures "11," in the third line thereof and substituting therefor the figures "71."

53 V., c. 99, s. 6 amended.

6. The parks purchased or to be purchased by the trustees under the will of the late Charlotte Jane Nicholls, dated the 28th day of August, 1888, and to be held by them in trust for the inhabitants of the town of Peterborough forever, and whether the same shall be within or without the town of Peterborough, shall be exempt from all taxation, but only with the consent of any municipality other than the town of Peterborough in which the same may be situate.

Exemption from taxation of parks purchased by trustees of C. J. Nicholls' estate.

CHAPTER 79.

An Act to consolidate the debt of the Town of Port Hope, and for other purposes.

Assented to 5th May, 1894.

Preamble.

WHEREAS the Corporation of the town of Port Hope has by petition represented that by an Act passed by the Legislature of the Province of Ontario, in the 49th year of Her Majesty's reign, and chaptered 64, the said corporation was empowered to issue debentures in such sums, not exceeding \$130,000 in the whole, as the corporation might from time to time direct; and that the corporation might raise by way of loan, on the credit of the said debentures, a sum not exceeding in the whole the sum of \$124,312; and that the loan to be raised as aforesaid should be applied by the council of the said corporation to the redemption and payment of outstanding debentures theretofore issued by the said corporation, as set forth in the preamble to the said Act; and that certain provisions were enacted with respect to the formation and payment of a sinking fund; and that under the provisions of the said Act the said corporation, in the year 1886, issued debentures to the amount of \$27,700, and in the year 1888 issued debentures to the amount of \$26,500, and in the year 1891 issued debentures to the amount of \$15,000, making a total issue of \$69,200; and that there have now matured and fallen due certain other debentures issued under *The Municipal Loan Fund Debenture Act* to the amount of \$46,720, for the redemption of which the said corporation proposed to issue debentures under the provisions of the firstly mentioned Act, but that owing to doubts having arisen as to the sufficiency of the provisions of the said Act with respect to the formation of a sinking fund to provide for payment of the said debentures, the said corporation have experienced difficulty in disposing of such debentures; and that the corporation is advised that it can dispose to better advantage of debentures which are payable one in each year, both as to principal and interest, thus dispensing with a sinking fund; and that in addition to the said \$46,720, the town is indebted in the sum of \$3,200, balance of the purchase money of a public park, and has also a floating debt amounting to the sum of \$19,200; and that the said corporation has constructed waterworks in portions of the said town, and entered into contracts for operating and maintaining the same, but the present system is insufficient for protection against fire and other requirements of the inhabitants of the said town, and the corporation is desirous of creating and erecting a more general system of waterworks; and that by

an

an Act passed by said Legislature in the 45th year of the reign of Her Majesty, and chaptered 41, the corporation was empowered to incur liability in a sum not exceeding \$20,000, for the construction and extension of waterworks, as in the said Act provided, but by the 9th section of the Act passed in the 49th year of Her Majesty's reign and chaptered 64, the corporation is prevented from incurring any other debt or liability than is provided for in the said last mentioned Act, except the yearly current expenses, to be paid out of the annual assessment; and that it is desirable to explain and amend the said last mentioned Act, and to consolidate with the said debt of \$46,720 the other unsecured debts hereinbefore mentioned, and to empower the corporation to issue debentures for the payment of the said consolidated debts, one of such debentures to be payable in each year for a period not exceeding forty years from the second day of January, 1895, and to empower the said corporation to extend and enlarge the present system of waterworks in said town, and to incur a liability therefor in a sum not exceeding \$30,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The debentures heretofore issued by the corporation of the town of Port Hope, under the provisions of the Act passed in the 49th year of Her Majesty's reign, and chaptered 64, mentioned in the preamble to this Act, and the coupons for interest thereon, are hereby confirmed and declared valid and effectual, and to be binding upon the said corporation.

Debentures
issued under
49 V., c. 64
declared
valid.

2. Notwithstanding anything contained in the said last mentioned Act, for payment of the principal money of the said debentures mentioned in the first section of this Act and interest thereon, the said corporation shall impose a special rate per annum over and above, and in addition to all other rates to be levied in each year which shall be sufficient to pay the interest on the said debentures, and also to form a sinking fund, which, compounded half-yearly at five per cent. will be sufficient to pay such principal money.

Special rate
during cur-
rency of last
mentioned
debentures.

3. The said debenture debt of \$46,720 the said public park debt of \$3,200 and the said floating debt of \$19,200, are hereby consolidated at the sum of \$69,120, and it shall be lawful for the said corporation of the town of Port Hope to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sums to pay off and discharge the said debenture and other debts, not exceeding in the whole \$69,200, exclusive of interest thereon.

Debts consoli-
dated.

Issue of
debentures.

4. It shall be lawful for the corporation of the town of Port Hope from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being of the said town, in such sums not exceeding in the whole the sum of \$69,200, as the said corporation may from time to time direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient. The said by-laws may be passed and said debentures issued at any time after the passing of this Act.

Power to raise
money on
debentures.

5. The said corporation may, for the purposes mentioned in section 7 of this Act, raise money by way of loan on the said debentures, in this Province or in Great Britain, or elsewhere, or sell and dispose of such debentures, from time to time as they may deem expedient.

Payment of
debentures
and interest.

6. The said debentures shall be payable in not more than forty years from the second day of January, 1895. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half-yearly, on the second day of the months of July and January in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures issued under *The Municipal Loan Fund Debenture Act*, which have fallen due and are now payable, and in the payment of the balance of the purchase money of the public park, and in the payment of the floating debt, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate to
pay principal
and interest in
respect of
debentures
issued under
this Act.

8. It shall be lawful for the said corporation after the year 1894 to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them; and it shall also be lawful for the said corporation, in the year 1894, to levy, in addition to all other rates, a special rate sufficient to pay all interest on said debentures which accrue due in the year 1895.

Debentures
how payable.

9. The debt contracted under the foregoing provisions of this Act shall be payable as to the principal thereof by annual instalments

ments during the currency of the period of not more than forty years from the second day of January, 1895, such instalments to be of such amounts that the aggregate amount for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged, and the debentures to be issued for the same shall correspond with such instalments together with interest.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

11. It shall not be necessary to obtain the assent of the electors of the said town of Port Hope to the passing of any by-law which shall be passed under the provisions of this Act for the issue of the said debentures to be known as the "Consolidated Debt Debentures" or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of electors to by-laws not required.

55 V., c. 42.

12. It shall be the duty of the treasurer of the said town from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application, which shall, from time to time, be made of the said amounts, and also the amounts raised on account of the sinking fund to be raised under the provisions of section 2 of this Act and the investments thereof from time to time made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep books, shewing state of debenture account.

13. Nothing in this Act contained shall be held or taken to discharge the Corporation of the town of Port Hope from any indebtedness or liability which may not be included in the said debt hereby authorized to be consolidated.

Liability of corporation not affected.

14. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Form of debentures and by-laws.

Inconsistent provisions in municipal Acts not to apply.

Informalities not to invalidate debentures.

Election of waterworks commissioners.

By-law providing for election of commissioners.

55 V., c. 42.

Application of Rev. Stat., c. 192.

15. Any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of said debentures, or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

16. The said corporation may by by-law provide that the said waterworks shall be constructed and operated by a board of four commissioners, of whom the mayor of the town of Port Hope for the time being shall, *ex-officio*, be one, and the other three shall be elected annually, one in each year, at the same time and in the same manner as the mayor of the said town, but each of the said commissioners shall hold office for three years or until their respective successors are elected, except that at the first election three commissioners shall be elected, and the one having the lowest number of votes shall retire at the next annual election, and the one having the second lowest number of votes shall retire at the second annual election, and thereafter the commissioners shall retire in rotation. In the event of the first three commissioners being elected by acclamation, the Board of commissioners shall at their first meeting determine by lot the order in which they shall retire respectively, and in case of a vacancy from any cause or causes occurring at any time on the board, the municipal council of the said town may by by-law appoint a commissioner to hold office until the next annual election, when a new commissioner shall be elected to fill the said vacancy, who shall hold office for the residue of the term of the commissioner whose seat during the previous year had become vacant.

17. The corporation shall forthwith, after the passing of the by-law providing for the appointment of the said commissioners, pass a by-law fixing the time and providing for the first election of commissioners, and the election shall proceed and take place in the same manner as the election of a mayor, except that each elector may vote for three commissioners, and all the provisions of *The Consolidated Municipal Act, 1892*, in reference to elections for mayors shall apply thereto.

18. In the event of the council of the said town of Port Hope passing a by-law providing for the construction and operation of the said waterworks by commissioners, as aforesaid,

said, the several clauses of *The Municipal Water Works Act* relating to the construction and operation of water works in towns by commissioners shall apply to the commissioners that may be elected under the provisions of this Act.

19. Notwithstanding anything contained in the said Act passed in the 49th year of Her Majesty's Reign, chaptered 64, it is hereby declared that the Act passed in the 45th year of Her Majesty's Reign, chaptered 41, and intituled "An Act to enable the Corporation of the Town of Port Hope to incur liability for the construction and extension of water works and for other purposes," shall be of full force and effect. Notwithstanding however, the provisions contained in the said last mentioned Act, it shall be lawful for the corporation of the town of Port Hope to incur a further debt or liability to the amount of \$10,000 for the extension and enlargement of the water works of the said town over and above and in addition to the sum of \$20,000 mentioned for such purpose in the said Act, and the said Act is hereby amended accordingly.

Power to raise money for water-works purposes.

20. No further debentures shall be issued by the said Corporation of the town of Port Hope under the provisions of the said Act passed in the 49th year of Her Majesty's Reign, chaptered 64.

No further debentures to be issued under 49 V., c. 64.

21. This Act may be known as "*The 'Port Hope Debenture and Waterworks Act, 1894.*"

Short title.

SCHEDULE "A."

(Section 14.)

CONSOLIDATED DEBT DEBENTURE, TOWN OF PORT HOPE,
PROVINCE OF ONTARIO.

No.

\$

Under and by virtue of "*The Port Hope Debenture and Waterworks Act, 1894*" and by virtue of by-law No. of the Corporation of the Town of Port Hope passed under the provisions contained in the said Act, the Corporation of the Town of Port Hope promise to pay to the bearer at

	in	the sum of
dollars on the	day of	one
thousand hundred		and the half yearly

coupons hereto attached as the same shall severally become due.

Dated at Port Hope, in the County of Durham, this
day of A.D. 189 .

Mayor.

[L.S.]

Treasurer.

SCHEDULE "B.

(Section 14.)

By-law No. to authorize the issue of debentures under the authority of "*The Port Hope Debenture and Waterworks Act, 1894.*"

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of \$ in the whole as the Corporation of the Town of Port Hope may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the days of *(or as the case may be)* with interest thereon at the rate of per cent. per annum payable according to the coupons to the said debentures attached. And whereas the amount of the whole ratable property of the said Town of Port Hope, according to the last revised assessment roll of the said town, being for the year one thousand hundred , was \$.

Therefore the Municipal Corporation of the Town of Port Hope enacts as follows:

1. Debentures under the said Act and for the purposes therein mentioned to be known as the "Consolidated Debt Debentures" to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest as the rate of per cent. per annum payable on the days of and in each year.

This by-law passed in open Council this day of in the year of our Lord one thousand hundred

CHAPTER 80.

An Act to consolidate the Debt of the Town of Sault Ste. Marie.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the town of Sault Ste. Marie have by their petition represented that they have incurred debts and liabilities for the purposes of fire protection; aiding railroads; purchasing an electric light plant; building a public school and constructing a water power, and also for local and other improvements, to the extent of \$344,043.62, for which debentures have from time to time been issued, a list of which said debentures, with dates of maturity, are particularly set forth in schedule B hereto; and whereas provision has been made for the payment of said debentures by a sinking fund at maturity; and whereas since the issue of the said debentures the said sinking fund has been annually levied and raised, and there are now in the hands of the treasurer of said corporation sinking funds to the amount of \$24,480.56 applicable on the said debenture indebtedness, and the interest on the said debentures has been duly paid, and no principal or interest is in arrear; and whereas the said corporation have incurred a floating debt of the sum of \$10,000 in addition to the said debenture debt, for the payment of which no fund has been provided, which said floating debt was incurred for current expenses by reason of default in payment of taxes on vacant lands; and whereas the levying and raising of the said sinking fund annually, the payment of the interest on the said debentures, the payment of the said debentures as they fall due and the payment of the said floating debt, will be unduly oppressive to the rate-payers of the said corporation; and whereas the said corporation have by their petition prayed that the said debenture debt of \$344,043.62, and the said floating debt of \$10,000, may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to empower the said town of Sault Ste. Marie to dispose of its stock in the Ontario and Sault Ste. Marie Water, Light and Power Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Sault Ste. Marie Debenture Act, 1894.*"

2.

2. The said debts of the said town of Sault Ste. Marie are consolidated at the sum of \$354,043.62, and it shall be lawful for the corporation of the town of Sault Ste. Marie to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sum sufficient to pay off the said indebtedness; and the said corporation may, after the redemption of the original debentures, repeal the by-laws under which they were issued, so far as regards the levying of rates imposed thereby for the redemption of the said original debentures and the payment of interest thereon.

Debts consolidated at \$354,043.62.

3. The corporation of the town of Sault Ste. Marie may from time to time, within the period hereinafter mentioned pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in sums of not less than \$100, and not exceeding \$354,043.62 in the whole, as the corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place or places as the said corporation may deem expedient, and may be expressed in sterling money of Great Britain or currency of Canada.

Power to issue debentures for \$354,043.62.

4. The proceeds of the sale of the said debentures shall be applied for the purpose of the redemption and payment of the debentures and floating indebtedness mentioned in the preamble of this Act, and the said corporation may make arrangements with the holders of the said debentures, or any of them, for paying off the same at maturity, or in advance of the respective times fixed for payment thereof, on such terms and conditions as may be agreed on.

Application of proceeds of debentures.

5. The said corporation may also buy in the said outstanding debentures, or may agree with the holders of them, or any of them, whether the time fixed for payment of them shall have arrived or not, for the substitution for them, or any of them, of debentures to be issued under the authority of this Act, and on such terms or conditions as may be deemed expedient.

Power to buy in outstanding debentures.

6. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the preamble of this Act may be paid out of the proceeds of the said loan.

Expenses of redeeming outstanding debentures.

7. The said debentures so to be issued may be styled "Town of Sault Ste. Marie General Consolidated Loan Debentures," and may be issued from time to time as occasion may require, and in such amounts as may be found expedient to secure

Designation and mode of issuing debentures.

advantageous sales; and moneys arising from the sale thereof shall be applied in redeeming outstanding debentures before or after maturity, with the consent of the holders of such outstanding debentures; or the said debentures so to be issued under the authority of this Act may be substituted for the said outstanding debentures, upon such terms and conditions and in such manner as may be agreed upon between the said corporation and the holder or holders of any of the said outstanding debentures.

Term of debentures.

8. The said debentures are to be payable within forty years from the first day of May, 1894, but any of the said debentures so to be issued may be made payable at any time within said period as the council of said corporation may determine.

Payment of interest.

9. Coupons may be attached to the said debentures for the payment of the interest thereon, at such rate not exceeding five per cent. per annum, as to the said corporation may seem meet, and the interest may be made payable yearly or half-yearly.

Payment of debentures, interest and principal.

10. It shall be necessary only to levy the interest on the said debentures for the first ten years of the said term up to the first day of May, 1904, and the principal of the said debentures shall be made repayable as follows, namely: \$40,000 on the first day of May, 1904, and the balance in annual instalments for a period not exceeding thirty years from the 1st day of May, 1904, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period, but it shall not be necessary to make any debentures for any broken amount but the same may be made in even multiples of \$100 or £20 sterling.

Special rate.

11. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due for interest for the first ten years and thereafter to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act.

By-laws not to be repealed until debts paid.

12. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

13. It shall not be necessary to obtain the assent of the electors of the said town of Sault Ste. Marie to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

14. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Sault Ste. Marie from any indebtedness or liability which may not be included in the said debt of the said town of Sault Ste. Marie.

Indebtedness of corporation not discharged.

15. The said corporation may, if it shall deem it expedient so to do, from time to time, borrow on the securities of the debentures authorized to be issued under this Act, such sums as it may require for the purpose of paying off or redeeming the debentures in the preamble to this Act mentioned, or any of them, and the floating indebtedness, and may hypothecate or pledge the said debentures, or any of them, as security for the moneys, and upon such rate of interest as to the said corporation may seem meet.

Borrowing to pay off outstanding debentures.

16. The treasurer of the said corporation, by and with the consent of the said municipal council, shall have the power of investing the sinking funds now in his hands, as in the preamble to this Act mentioned, for a term of years not exceeding nine years from the first day of January, 1895, in a first mortgage upon the property, assets, rights, franchises and credits of The Ontario and Sault Ste. Marie Water, Light and Power Company.

Investment of sinking fund.

17. Subject as in section 16 hereof provided the said debentures to be issued under the authority of this Act shall be a first lien and charge upon all the dividends and other income which the corporation may derive from the Ontario and Sault Ste. Marie Water, Light and Power Company, and from the capital stock thereof held by said corporation.

Debentures to be a lien on income from Power Company.

18. Upon and after the redemption, payment, or substitution, as in this Act provided, of the local improvement debentures, or any of them, in the preamble to this Act mentioned, it shall not be necessary to levy a frontage rate, as in the by-laws of said corporation provided, to provide for the payment of said local improvement debenture indebtedness.

Local improvement debentures.

19. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued under this Act or any by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent enactments. not to apply.

Treasurer to
keep proper
books of
account.

20. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the power hereby conferred or of any of such debentures.

Form of
debentures.

21. The debentures issued under this Act may be in the form of schedule A to this Act.

53 V. c. 135
s. 23, sub-ss.
1, 2 repealed.

22. Sub-sections 1 and 2 of section 23 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 135, are repealed.

Sale of stock
in Water,
Light and
Power Co

23. The council of the said town of Sault Ste. Marie may in any year hereafter submit to the vote of the ratepayers of the said town, in the manner provided by *The Consolidated Municipal Act, 1892*, in the case of by-laws requiring the assent of the ratepayers, a by-law authorizing the council of the said town elected for that year to sell or dispose of the whole or any part of the stock held by the said corporation in The Ontario and Sault Ste. Marie Water, Light and Power Company on such terms and conditions as may be deemed advisable by the said council, and upon obtaining the assent of the majority of the ratepayers to such by-law the council of the said town may at any time before the 31st day of December next thereafter sell or dispose of the whole or any part of the stock subscribed, purchased or otherwise acquired by the said corporation in the said The Ontario and Sault Ste. Marie Water, Light and Power Company on such terms and conditions as may be deemed advisable by said council, and in order to effect such sale or disposal of such stock as aforesaid the said council is hereby authorized and empowered, after the passing of such by-law, to make such arrangements and enter into such agreements with any person or persons with respect to the same or incidental thereto as may be deemed advisable by the said council. Provided always that the proceeds of the said stock so sold or disposed of shall be held in trust by the said corporation as security to the holders of the debentures now outstanding or

Proviso.

authorized

authorized to be issued under this Act, for the payment of such debentures at maturity; but it shall not be necessary for the purchaser or other person acquiring the said stock from the said corporation to inquire as to the disposition of the proceeds thereof, nor shall such purchaser or other person be responsible in any manner for the application or misapplication of moneys received by the said corporation on account of the sale or other disposition of the said stock.

24. The council of the said town of Sault Ste. Marie may apply such sums as may be received on account of arrears of taxes during the current year in payment of the amount falling due on sinking fund account in the year 1894, and it shall not be necessary to levy any rate for payment thereof, anything in *The Consolidated Municipal Act, 1892*, or in any Act in amendment thereof, to the contrary notwithstanding.

Application of arrears of taxes to sinking fund for current year.

25. The council of the said town of Sault Ste. Marie shall, in each and every year during the currency of the debentures by this Act authorized to be issued, raise and pay over to the board of separate school trustees of the said town, a sum equal to that portion of the total amount assessed against separate school supporters in the said town, for the payment of the said debentures, which corresponds to that portion of the said consolidated debenture debt which is made up of indebtedness incurred for public school purposes.

Annual payment to separate school board during currency of debentures.

SCHEDULE A.

(Section 21.)

TOWN OF SAULT STE. MARIE GENERAL CONSOLIDATED LOAN
DEBENTURE.

PROVINCE OF ONTARIO, TOWN OF SAULT STE. MARIE.

No. \$

Under and by virtue of *The Sault Ste. Marie Debenture Act, 1894*, the Corporation of the Town of Sault Ste. Marie, in the District of Algoma, promise to pay the bearer at
in the sum of on the day of
and the coupons hereto attached as the same
shall severally become due.

Dated at the Town of Sault Ste. Marie this day of
, A.D. 1894,

(L. S.) Mayor.
Treasurer.

SCHEDULE B.

(Preamble.)

For what purpose issued.	Amount.	Date of maturing.
Bonus to Canadian Pacific Ry....	\$20,000 00	30th December, 1907
Local Improvements.....	12,511 28	8th July, 1899
Public School.....	12,300 00	25th October, 1909
Fire Engine and Hose	6,200 00	15th December, 1905
Local Improvement.....	8,567 25	31st December, 1899
Water Power	105,000 00	14th January, 1920
Local Improvement	26,296 62	13th April, 1900
Fire Hall.....	5,960 00	26th April, 1910
Local Improvement.....	3,208 47	23rd April, 1900
Water Power	23,000 00	18th November, 1910
General Improvement.....	21,000 00	27th March, 1911
Water Power	100,000 00	1st September, 1911
	\$344,043 62	

CHAPTER 81.

An Act to legalize and confirm the survey made by Walter S. Davidson, Ontario Land Surveyor, of the road allowance between the seventh and eighth concessions of the Township of Sombra.

Assented to 5th May, 1894.

WHEREAS, on the petition of the municipal council of the township of Sombra, dated 12th July, 1875, instructions issued from the Department of Crown Lands to John H. Jones, Provincial Land Surveyor, dated 26th August, 1875, under an Order in Council dated 20th August, 1875, to survey a certain portion of the township of Sombra and to plant durable monuments at the front angles of the lots; and whereas the said surveyor made such survey and the same was confirmed by the Commissioner of Crown Lands on 8th May, 1890, saving and excepting a portion of the front of the seventh and eighth concessions from the base line easterly to the river Sydenham, where the survey although apparently made in accordance with the provisions of *The Act respecting Land Surveyors and the Survey of Lands*, was found to have moved the road allowance between said concessions off the travelled road hitherto supposed to be on the true line, and on which statute labour and municipal money had been for many years expended; and whereas on the petition of freeholders owning land on each side of the said concession road allowance, dated 8th September, 1893, Walter S. Davidson, Ontario Land Surveyor, was instructed by the Commissioner of Crown Lands to define the said road allowance by planting stone and iron monuments on each side of the travelled road between the seventh and eighth concessions from the base line easterly across lots numbers one to nine inclusive, and whereas the said surveyor has in pursuance of such instructions defined the said road allowance, and has filed in the office of the Commissioner of Crown Lands a plan showing the position of said road allowance as defined by him by stone and iron monuments planted on the north and south sides of the present travelled road; and whereas the municipal council of the township of Sombra has by petition dated 3rd October, 1893, to have the said road allowance between the seventh and eighth concessions established as agreed to by the ratepayers interested, and as defined by said survey; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Survey of W.
S. Davidson
confirmed.

1. The survey so made by the said Walter S. Davidson shall be, and shall be held and deemed to be, and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of the road allowance between the seventh and eighth concessions of the township of Sombra, from the base line easterly across lots numbers one, two, three, four, five, six, seven, eight and nine, and the stone and iron monuments planted by the said surveyor to designate the north and south limits respectively of the said road allowance are hereby declared to be the only true and unalterable monuments to mark and designate the same, any law, usage or custom to the contrary notwithstanding; provided always that the quantity of land taken for the purpose of said road allowance off the north end of said lot number nine in the seventh concession, shall not extend further south than twelve feet in width from the fence existing across said north end of said lot at the time of the survey by the said Walter S. Davidson.

CHAPTER 82.

An Act respecting the Railway Debenture Debt of the Township of Tiny.

Assented to 5th May, 1894.

WHEREAS, the municipal corporation of the township of Preamble.

Tiny, have, by their petition represented that they have incurred a debt of \$50,000 for the purpose of assisting the Northern Railway in constructing their line through the said township of Tiny for which amount debentures were issued under a by-law of the said municipality in the year 1874; and whereas in the said by-law authorizing the issue of debentures provision was made for the payment of the principal sum by a sinking fund at maturity, but only the sum of \$2,000 has been raised on account of the said sinking fund and beyond this amount the rate authorized by the said by-law to provide for the sinking fund has not been levied and the said corporation are unable to redeem the said debentures; and whereas the said debentures become due in the year 1894; and whereas the said corporation by their petition have prayed that they may be authorized to issue debentures for the sum of forty-eight thousand dollars aforesaid to meet debentures now falling due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the said township of Tiny to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons or body corporate a sufficient sum or sufficient sums to retire the said debentures amounting to the sum of \$48,000 as they respectively become due. Power to raise \$48,000 on debentures.

2. It shall be lawful for the said corporation of the township of Tiny from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being in such sums, not less than \$100, and not exceeding \$48,000 in the whole as the said corporation may from time to time direct, and the principal secured by the said debentures and the interest accruing thereon may be payable at such places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada. Issue of debentures for \$48,000.

Raising
money on
debentures.

3. The corporation of the said township may for the purpose in section 7 hereof mentioned raise money by way of loan in the Dominion of Canada or in Great Britain or elsewhere or sell and dispose of the said debentures from time to time as they may deem expedient.

Payment of
debentures
and interest.

4. The said debentures shall be payable in not more than forty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for payment of the interest thereon and such interest shall be payable yearly on the fifteenth day of May in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per cent.

Debentures,
how payable.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding forty years from the fifteenth day of May A.D., 1894, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate" and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in redemption of the debentures of the township of Tiny to the amount of \$48,000 in payment of the said debt of \$18,000 and in no other manner, and for no other purpose whatsoever, and such debentures may be known as "The Tiny Railway Debt Debentures."

Power to call
in outstanding
debentures.

8. The treasurer of the said township shall, on receiving instructions from the council so to do from time to time but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the council and the said holders of the outstanding debentures.

By-laws not
to be repealed
until debts
paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon shall be paid and satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said township of Tiny to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

Assent of electors not required.

55 V. c. 42.

11. It shall be the duty of the treasurer from time to time of the said township to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers by this Act conferred and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township and any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Treasurer to keep books showing debenture account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Tiny from any debt or liability which may not be included in said debt of the said township of Tiny hereinbefore referred to.

Indebtedness of corporation not discharged.

13. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Form of debentures.

14. Any of the provisions of the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of any by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or to be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent provisions not to apply.

15. This Act may be cited as *The Tiny Railway Debenture Act, 1894.*

Short title.

SCHEDULE

SCHEDULE "A."

(Section 13.)

Province of Ontario, Township of Tiny Railway Debt Debenture.

Under and by virtue of *The Tiny Railway Debenture Act 1894*, and by virtue of by-law No. of the corporation of the township of Tiny, the corporation of the township of Tiny promise to pay to bearer at in the sum of on the day of one thousand hundred and , and the yearly coupons hereto attached as the same shall severally become due.

Dated at Penetanguishene, this day of A.D. .

Reeve.

[L.S.]

Treasurer.

SCHEDULE "B."

(Section 13.)

By-law No. To authorize the issue of debentures under the authority of *The Tiny Railway Debenture Act, 1894*.

Whereas, the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as the "Tiny Railway Debt Debentures" not exceeding \$48,000 in the whole as the corporation of the township of Tiny may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$48,000 payable on the day of and on the day of (or as the case may be) with interest thereon at the rate of per cent. per annum payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the last revised assessment roll of the said township being for the year one thousand eight hundred and ninety was the sum of

Therefore the municipal council of the township of Tiny enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "The Tiny Railway Debt Debentures" to the extent of \$48,000 are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent per annum, payable yearly, on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety .

CHAPTER

CHAPTER 83.

An Act respecting the City of Toronto.

Assented to 5th May, 1894.

WHEREAS the corporation of the city of Toronto have, by ^{Preamble.} their petition, prayed for special legislation to confirm the various local improvement by-laws referred to in schedule "A" hereto; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the corporation of the city of Toronto specified in Schedule "A" hereto, and all debentures issued or ^{By-laws confirmed.} to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

3132	street, between Yonge street and Bleeker street, in wards numbers 2 and 3, for the construction of an Excelsior sidewalk on the north side of Carlton street	April 24th, 1893.....	6,465 90	872 20	5,593 70	7 years	4
	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the south side of College street, between Augusta avenue and Markham street, in wards numbers 4 and 5, for the construction of a 16 foot Excelsior sidewalk with stone kerbing on the south side of College street.....	April 24th, 1893.....	11,502 05	4,523 05	6,979 00	7 years	4
3133	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of College street, between Borden street and Palmerston avenue, in wards numbers 4 and 5, for the construction of an Excelsior sidewalk on the north side of College street	April 24th, 1893.....	9,511 16	1,398 48	8,112 68	7 years	4
3134	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the east side of Church street, between Adelaide street and Queen street, in ward number 3, for the construction of a twelve foot concrete sidewalk on the east side of Church street	April 24th, 1893	3,167 08	502 63	2,664 45	7 years	4

LIST OF BY-LAWS—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments.	Rate of interest.
			\$	c.	\$	c.	\$	c.		Per cent.
3135	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of Queen street, between Yonge street and James street, in ward number 3, for the construction of a concrete cement sidewalk on the north side of Queen street.	April 24th, 1893	1,220	46	260	96	959	50	8 years	4
3136	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of Queen street, - between Bathurst street and Palmerston avenue, in ward number 5, for the construction of a cement concrete sidewalk on the north side of Queen street	April 24th, 1893.	3,356	97	323	39	3,033	59	7 years	4
3146	To provide for the issue of local improvement debentures of the corporation of the city of Toronto to the amount of \$80,374.12, to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the years 1891 and 1892 as local improvements, as amended by by-law number 3,207.	May 8th, 1893.	97,100	36	23,264	54	73,835	82	various	4

3147	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Adelaide street, between York street and Spadina avenue, for the construction of an asphalt roadway on Adelaide street, from York street to Spadina avenue, in wards numbers 3 and 4	May 8th, 1893	56,143 74	12,867 60	43,276 14	8 years	4
3148	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Devonshire Place, between Hoskin avenue and Bloor street, for the construction of an asphalt roadway on Devonshire Place, from Hoskin avenue to Bloor street, in ward number 4.	May 8th, 1893	12,019 06	1,204 81	10,814 25	1 year	4
3149	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Rose avenue, between Winchester street and Howard street, for the construction of an asphalt roadway on Rose avenue, from Winchester street to Howard street, in ward number 2.	May 8th, 1893	21,488 10	6,905 10	14,583 00	8 years	4
3150	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Sherbourne street, between South Drive and Sherbourne street bridge, for the construction of an asphalt roadway on Sherbourne street, from South Drive to Sherbourne street bridge, in ward number 2	May 8th, 1893	21,797 40	9,824 04	11,973 36	10 years	4

LIST OF BY-LAWS—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate- payers.		Period of payments.		Rate of interest.	
			\$	c.	\$	c.	\$	c.	\$	c.	Percent.	
3151	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on St. James avenue, between Ontario street and Parliament street, for the construction of an asphalt roadway on St. James avenue from Ontario street to Parliament street, in ward number 2 . .	May 8th, 1893	4,849	32	991	85	3,857	47	7 years		4	
3152	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Victoria street, between King street and Adelaide street, for the construction of an asphalt roadway on Victoria street, from King street to Adelaide street, in ward No. 3	May 8th, 1893	5,909	15	1,706	49	4,202	66	8 years		4	
3153	To provide for borrowing money by the issue of Debentures, secured by local special rates, on the property fronting or abutting on Grace street, between Arthur street and College street, for the construction of a cedar block roadway on Grace street, between Arthur street and College street, in ward No. 5	May 8th, 1893	5,820	29	1,236	99	4,583	30	10 years		4	

3155	To provide for borrowing money by the issue of debentures secured by local special rates, on the property fronting or abutting on College street, between Augusta avenue and Markham street, for widening of cedar block roadway on College street, south side, from Augusta avenue to Markham street, in wards Nos. 4 and 5	May 8th, 1893,	3,864 99	1,603 09	2,261 90	4 years	4
3157	To provide for the issue of local improvement debentures of the corporation of the City of Toronto to the amount of \$46,329.24, to defray the ratepayers' share of the cost of certain sewers laid down in the years 1890, 1891 and 1892 as local improvements	May 22nd, 1893	64,895 59	18,566 35	46,329 24	various ...	4
3158	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Toronto street, between Adelaide street and terminus of stone sets on Toronto street, for the construction of an asphalt roadway on Toronto street, within the limits aforesaid, in ward No. 3	May 22nd, 1893	3,371 00	2,371 00	1,000 00	5 years	4
3159	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between King street and Hayter street, for the construction of an asphalt roadway on Yonge street within the limits aforesaid, in ward No. 3	May 22nd, 1893	33,718 56	2,866 56	30,852 00	10 years ...	4

LIST OF BY-LAWS.—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate- payers.	Period of payments.	Rate of interest.
			\$ c.	\$ c.		\$ c.	Per cent.
3160	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between Hayter street and Grenville street, for the construction of an asphalt roadway on Yonge street, within the limits aforesaid, in ward No. 3.....	May 22nd, 1893	10,017 22	2,520 63	7,496 59	10 years	4
3161	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Yonge street, between Grenville street and Bloor street, for the construction of an asphalt roadway on Yonge street within the limits aforesaid, in ward No. 3.....	May 22nd, 1893	26,043 21	1,905 21	24 138 00	10 years ...	4
3162	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Bismarck avenue, between Gwynne street and east end of Bismarck avenue, for						

the construction of a cedar block roadway on Bismarck avenue, within the limits aforesaid, in ward No. 2.	May 22nd, 1893	1,587 18	236 33	1,350 85	5 years	4
3163 To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Broadview avenue, between Withrow avenue and Danforth avenue, for the construction of a cedar block roadway on Broadview avenue, within the limits aforesaid, in ward No. 1	May 22nd, 1893	450 00	.....	450 00	6 years	4
3164 To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the north side of College street, between Borden street and Palmerston avenue, for the widening of the cedar block roadway on the north side of College street, within the limits aforesaid, in wards Nos. 4 and 5	May 22nd, 1893	2,332 74	371 51	1,961 23	4 years	4
3165 To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane in rear of the Standard Bank, between Melinda street and Wellington street, extending from Jordan street westerly, for the construction of a scoria roadway on said lane, within the limits aforesaid, in ward No. 3. May 22nd, 1893	May 22nd, 1893	905 21	225 50	679 71	1 year	4

LIST OF BY-LAWS.—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments.	Rate of interest.
			\$ c.	\$ c.	\$ c.	\$ c.	Percent.
3166	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane between Yonge street and Victoria street, extending from Adelaide street to a point 105 feet 6 inches south, for the construction of a cobble-stone roadway on said lane, within the limits aforesaid, in ward No. 3	May 22nd, 1893	235 71	74 29	161 42	5 years	4
3167	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the first lane east of Spadina avenue between Grange avenue and St. Patrick street, for the construction of a cobble roadway on the said lane, within the limits aforesaid, in ward No. 4	May 22nd, 1893	595 97	167 64	428 33	5 years	4
3168	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the lane between King and Pearl streets, extending from Pearl street south, thence west to near Simcoe street, for the con-						

3169	struction of a cobble roadway on said lane, within the limits aforesaid, in ward No. 3	May 22nd, 1893	1,161 47	94 34	1,067 13	5 years	4
	To provide for borrowing money by the issue of debentures secured by local special rates, for the construction of a granolithic sidewalk on the north side of Queen street, between Beverley street and west limit of house No. 280, in ward No. 4	May 22nd, 1893	726 99	188 74	538 25	6 years	4
3170	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Smith street, between Logan avenue and Carlaw avenue, for grading on Smith street, within the limits aforesaid, in ward No. 1	May 22nd, 1893	1,020 60	.....	1,020 60	10 years	4
3171	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Glendale avenue, between Garden avenue and Duncan street, for grading on Glendale avenue, within the limits aforesaid, in ward No. 6	May 22nd, 1893	771 85	.....	771 85	5 years	4
3172	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Markham street, between Olive avenue and Vermont avenue, for the extension of Markham street, from Olive avenue to Vermont avenue, in ward No. 5	May 22nd, 1893	9,498 86	.....	9,498 86	10 years	4

LIST OF BY-LAWS.—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments.	Rate of interest.
			\$ c.	\$ c.	\$ c.	\$ c.	Per cent.
3173	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on Carleton avenue, between Ontario street and Parliament street, for the widening of Carleton avenue from a point 220 feet east of Ontario street to Parliament street, in ward No. 2	May 22nd, 1893	10,308 44	.....	10,308 44	5 years	4
3174	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on both sides of Barton avenue, from Manning avenue to Christie street; both sides of Clinton street, from Barton avenue as extended to south limit of Pin's reserve; the west side of Manning avenue, from a point one hundred feet south of Barton avenue as extended to the south limit of St. Thomas avenue, produced easterly; the east side of Christie street, from a point one hundred feet south of Barton avenue, as extended to the south limit of St. Thomas avenue, produced easterly, for the extension						

3178	of Barton avenue (formerly Colborne street) from Manning avenue to Christie street, and also the extension of Christie street, from its present southerly terminus southerly to a connection with Barton avenue as extended, and also the extension of the lanes in rear of lots fronting on both sides of Clinton street, south, to a connection with Barton avenue, in ward No. 5	May 22nd, 1893	5,284 66	.....	5,284 66	5 years	4
	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$21,500, for the purpose of providing funds for the paving of a portion of Ger-rard street occupied by the track allowance of the Toronto Railway Company	June 19th, 1893	21,500 00	.....	21,500 00	10 years	4
3182	To provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on the west side of Dovercourt road, from the south side of lot No 8, plan 315, to the north side of lot 27 on said plan; also on the east side of Lisgar street, from the south limit of lot No. 9 on said plan, to the north side of lot No. 26, on said plan, for the extension of the lane between Dovercourt road and Lisgar street, leading from lane in rear of Argyle street, to Mackenzie crescent, in ward No. 6.	June 19th, 1893	338 77	.....	338 77	2 years	4

LIST OF BY-LAWS.—Continued.

No.	Title of By-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments.		Rate of interest.
			\$	c.	\$	c.	\$	c.	\$	c.	
3188	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$198,900, for the purpose of providing funds for the paying of portions of streets occupied by the track allowances of the Toronto Railway Company . . .	July 17th, 1893	198,900	00	198,900	00	.....	.....	10 years . . .	.....	4
3195	To authorize the issue of "City of Toronto Street Railway Debentures" to the amount of \$25,740, for the purpose of providing funds for paying for the balance of the actual cost of the paying of portions of streets occupied by the track allowances of the Toronto Railway Company beyond the sums provided for in by-laws Nos. 3,078 and 3,090.	August 14th, 1893	25,740	00	25,740	00	.....	.....	10 years . . .	.....	4
3196	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$369,518.24, for the purpose of providing funds for the paying of portions of streets occupied by the track allowances of the Toronto Railway Company. . .	August 14th, 1893	369,518	24	369,518	24	.....	.....	10 years . . .	.....	4
3197	To authorize the issue of "City of Toronto Street Railway Debentures," to the amount of \$369,518.24, for the purpose of providing funds for the paying of portions of streets occupied by the track allowances of the Toronto Railway Company. . .	August 14th, 1893	369,518	24	369,518	24	.....	.....	10 years . . .	.....	4

3199	tures," to the amount of \$9,464, for the purpose of providing funds for the paying of portions of streets occupied by the track allowances of the Toronto Railway Company	September 25th, 1893	9,464 00	9,464 00	.....	10 years ...	4
	To consolidate into thirteen several issues of four per cent. local improvement debentures the broken amounts named in certain local improvement by-laws, as therein mentioned, to the amount of \$412,703.27	October 23rd, 18 3	412,703 27	.....	412,703 27	Various.....	4
3200	To consolidate into an issue of \$111,966.51 four per cent. debentures, the city's proportion of the amounts named in certain local improvement by-laws, as therein mentioned.	October 23rd, 1893.....	111,966 51	111,966 51	.....	Various.....	4
3207	To provide for borrowing money by the issue of debentures, secured by local special rates, for the construction of a cedar block roadway and wood curbing on Woodlawn avenue, between Yonge street and MacDonald's fence, being the western terminus of the avenue, in ward No. 3.....	January 12th, 1894	5,831 12	599 91	5,231 21	8 years	4

CHAPTER 84.

An Act for the consolidation of the Debenture Debt of the Town of Toronto Junction and for other purposes.

Assented to 5th May, 1894.

Preamble.

WHEREAS the municipal council of the town of Toronto Junction has, by its petition, represented that its debenture debt, exclusive of local improvement debentures, amounts to the sum of \$787,556.27, maturing as set forth in the Schedule A to this Act; and whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, being for the year 1893, is the sum of \$5,554,045; and whereas it has been made to appear that the said indebtedness was incurred, mainly, in the construction of a subway under the Canadian Pacific railway tracks on Keele street, and the other works authorized under the Act passed in the 53rd year of Her Majesty's reign, chaptered 110, and in providing systems of water works and sewers for the said town, erecting the high and public schools of the said town, and in other permanent public improvements; and whereas it is expedient that the said corporation shall be enabled to consolidate its said indebtedness and to effect a loan to pay off the same, payable at longer dates than apply to the existing debt; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
borrow
\$800,000.

1. The corporation of the town of Toronto Junction may borrow, for the purpose of paying its said indebtedness and consolidating its debt, a sum or sums not exceeding in all \$800,000, and may issue debentures therefor.

Application of
proceeds of
loan.

2. The proceeds of such loan shall be applied for the purpose of the redemption and payment of the debentures mentioned in the Schedule A to this Act, and the said corporation may make arrangements with the holders thereof or any of them for paying off the same at maturity or in advance of the respective times fixed for the payment thereof, on such terms and conditions as may be agreed upon.

Power to call
in outstanding
debentures.

3. The said corporation may also buy in the said debentures, or may agree with the holders of them or any of them, whether the time fixed for payment of them shall have arrived or not, for the substitution for them or any of them

of

of debentures to be issued under the authority of this Act at such price and on such terms and conditions as may be deemed best.

4. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the said Schedule A to this Act may be paid out of the proceeds of the said loan. Expenses of calling in outstanding debentures.

5. The debentures to be issued under the authority of this Act shall be known as "Town of Toronto Junction General Consolidated Loan Debentures," and may be made payable in Canada or Great Britain, the United States of America or elsewhere, and in any currency, and shall be in sums of not less than \$100, Canadian currency, or £20 sterling money of Great Britain. Form of new debentures.

6. The said debentures shall be made payable by annual instalments for a term of years not exceeding forty years from the 1st day of January, 1895, with interest thereon annually at a rate not exceeding five per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term, and coupons may be attached to the said debentures for the payment of interest thereon. Payment of debentures and interest.

7. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate." Special rate.

8. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of, or receive the assent of, the ratepayers of the said town of Toronto Junction in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and it shall be sufficient if any such by-law be in the form in the Schedule B to this Act set forth. Assent of rate-payers not required.

9. No irregularity in the form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof. Irregularities in form not to invalidate debentures.

Purchaser of debentures not bound to see to application of proceeds.

10. The purchaser of any of the debentures which shall be issued under the authority of this Act shall not be bound to see to the application of his purchase money, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favour of the purchaser thereof to have been so issued.

Debentures not to be paid off without consent of holders.

11. Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the Schedule A to this Act mentioned before the maturity thereof, without the consent of the holder thereof.

Liability of certain lands for school rates.

12. The passing of this Act shall not affect the liability of the property in the township of York, ratable under By-laws Nos. 82, 139, 207 and 312, as being part of a union school section with the town of Toronto Junction, but the property in the said union school section shall continue to be ratable under said By-laws 82, 139, 207, and 312, and the amounts received from the township of York thereon shall be applied in payment on account of the said consolidated debenture rate.

By-laws 341, 342 and 343 amended.

13. Whereas it is expedient to increase the time for payment, from ten to twenty years, of the local improvement rates for the grading of Glendonwynne Road, under By-law 341, and for the widening of Davenport road under By-law 342, and also to amend By-law 343, consolidating the debentures under said By-laws 341 and 342 so as to conform to said extended time:—Therefore it is hereby further enacted that By-law No. 341, mentioned in the Schedule C to this Act is amended and varied by substituting the word "twenty" for the word or figures "ten" or "10," substituting the figures "146.31" for the figures "236.95," and substituting the figures "7 9/10" for the figures "127/10," wherever the same respectively appear in the said by-law; and by substituting the word "twentieth" for the word "tenth," in the 6th enacting clause thereof; that By-law No. 342, mentioned in the said Schedule C to this Act, is amended and varied by substituting the word "twenty" for the words or figures "ten" or "10," and substituting the figures "\$1,951.49," for the figures "\$3,149.53" and substituting the figures "39 4/10" for the figures "63 6/10," wherever the same respectively appear in the said by-law, and by substituting the word "twentieth" for the word "tenth" in the 6th enacting clause thereof; and that By-law No. 343, included in the said Schedule C to this Act, is amended and varied by substituting the word "twenty" for the word or figures "ten" or "10" and substituting the figures "2,098.30" for the figures "3,386.48," wherever the same respectively appear in said by-law.

14. The by-laws heretofore passed by the council of the town of Toronto Junction for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, and guaranteed by the municipality at large, as set forth in the Schedule C to this Act, and all special assessments made and all debentures issued or to be issued thereunder, are validated and confirmed, subject to the amendments under section 13 of this Act.

Certain by-laws and debentures confirmed.

15. The lease bearing date the 19th day of March, 1894, and made between Charles Conway Keele and Augusta Ann Keele as lessors and the corporation of the town of Toronto Junction as lessees, whereby the corporation leased from the said lessors certain lands as a park and a recreation ground for the term of ten years, from the 1st day of December, 1893, at a rental of \$350 per annum, to be set off against the taxes upon the property of the lessors and the special arrangement as to the mode of assessment and taxation during the term of the said lease therein contained, and also the agreement bearing date the 12th day of March, 1894, and made between the same parties, under which agreement the corporation covenant to do certain grading on the property of the said Charles Conway Keele and Augusta Ann Keele, are hereby ratified and confirmed.

Keele lease to the town.

16. Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

Costs of pending proceedings not affected.

17. This Act may be known and cited as "*The Toronto Junction Debt Consolidation Act, 1894.*"

Short title.

SCHEDULE A.

(Sections 2, 4, and 11.)

Shewing amounts of debentures maturing each year, from 1894 to 1933, inclusive.

1894 to 1899.....	\$50,836 09
1900	49,021 45
1901 to 1903.....	47,985 41
1904 to 1909.....	46,085 41
1910	43,276 87
1911	40,167 08
1912	38,562 23
1913 to 1918.....	37,840 05
1919	32,961 25
1920	29,708 69
1921-1922	26,456 12
1923	24,829 84
1924 to 1929.....	24,049 21
1930-1931	16,470 68
1932	5,102 88
1933	2,829 32

SCHEDULE B.

(Section 8.)

A By-law to authorize the issue of debentures under "The Toronto Junction Debt Consolidation Act, 1894." Passed , 189 .

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows :

1. The mayor and treasurer are hereby authorized and directed to issue debentures of the said corporation to the amount of \$ under the authority of the said Act and for the purposes therein mentioned, which said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, and shall be payable within years from day of at , with interest at the rate aforesaid as follows, that is to say :—

2. For the purpose of paying the said sum of and to cover interest on the said amount as aforesaid, there shall be levied by a general rate, over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town, in each year during the currency of the said debentures, or any of them, the sums following, that is to say :—

SCHEDULE

SCHEDULE C.

(Sections 13 and 14.)

No. 331, a by-law to provide for borrowing money by the issue of debentures secured by local special rates for the extension of D'Arcy street in Ward No. 5.

Passed 2nd October, 1893.

No. 332, a by-law to provide for borrowing money by the issue of debentures secured by local special rates for the extension of Beatrice street in Ward No. 4.

Passed 2nd October, 1893.

No. 333, a by-law to provide for borrowing money by the issue of debentures secured by local special rates for the construction of certain sewers.

Passed 2nd October, 1893.

No. 341, a by-law to provide for borrowing money by the issue of debentures secured by local special rates for the grading of Glendonwynne road in Ward No. 5.

Passed 8th January, 1894.

No. 342, a by-law to provide for borrowing money by the issue of debentures secured by local special rates for the widening and grading of Davenport road in Wards Nos. 1 and 2.

Passed 8th January, 1894.

No. 343, a by-law to consolidate into an issue of \$26,149.50 five per cent., ten year local improvement debentures, the broken amounts named in by-laws 341 and 342.

Passed 8th January, 1894.

CHAPTER 85.

An Act to confirm and validate certain assessments of the Town of Trenton.

Assented to 5th May 1894.

Preamble

WHEREAS, the corporation of the town of Trenton by their petition have represented that the council of the said town, desiring to apply the provisions of section 52 of *The Consolidated Assessment Act of 1892*, to the assessments of the said town, did, on the 30th day of January, 1893, duly pass a by-law (No. 441, set out in schedule "A" to this Act) to provide for taking the assessment of the said town between the 1st day of July and the 30th day of September, in the said year, 1893, which said assessment was duly made, and was duly revised by the court of revision, and by the county judge as provided in said section 52, and in the said by-law; and that no other assessment was taken or made for the levying of rates and taxes for the year 1893; and whereas, to remove all doubts as to the validity of the proceedings in the premises the said petitioners have prayed for an Act to confirm and validate the said by-law and the said assessments made in pursuance thereof and the revision of the same aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The above recited by-law is hereby declared to be a valid by-law, and is confirmed.

Assessment roll for 1893 confirmed.

2. The assessment of the said town made under the said by-law, and the assessment roll thereof as finally revised are hereby confirmed and declared valid and binding to all intents and purposes upon the ratepayers of the said town and all others, and upon the property and land affected thereby or contained, set out and described in the said roll as the assessment and the assessment roll of the said town for the year 1893 and upon which the rates and taxes of the said town for the last mentioned year shall be levied and collected, and shall for every other purpose also be valid, notwithstanding anything contained in section 52 of *The Consolidated Assessment Act, 1892*; and the rates and taxes to be levied upon the said assessment shall be the rates and taxes of the said town for the said year 1893, and shall be collected under the provisions of *The Consolidated Assessment Act, 1892*, in the ordinary manner by the collector or collectors of the town, and no further revision of the said assessment shall be necessary.

55 V. c. 48

SCHEDULE

SCHEDULE A.

A by-law authorizing the taking the assessment for the town of Trenton between the first day of July and the thirtieth day of September for the year 1893, and for other purposes therein mentioned, passed on the 30th day of January, 1893.

No. 441.

Whereas, by 55 Vict. chapter 48, section 52, the council of the corporation of the town of Trenton are authorized and empowered to change the periods named in the assessment Act for taking the assessment, the revision of the rolls by the court of revision, and by the county judge, and naming and appointing other periods for the same purposes by by-laws regulating the said periods;

And whereas it has been deemed necessary and expedient by the council of the corporation of the town of Trenton that the periods for taking the assessment and the revision of the rolls by the court of revision and the county judge should be changed and regulated according to the provisions of the above recited Act;

Therefore the council of the corporation of the town of Trenton enacts as follows:

That for the year 1893 the assessment for municipal purposes of the town of Trenton shall be made and taken between the first day of July and the thirtieth day of September, and that the said assessment roll or rolls shall be returnable to the town clerk on the first day of October, and that the time for closing the court of revision shall be the fifteenth day of November, and for the final return of the roll in case of appeal by the judge of the county court, the 31st day of December 1893, and the assessment so made and concluded may be adopted by the council for year 1894 as the assessment on which the rate of taxation for the year 1894 shall be levied, and in the year 1894 the council may adopt the assessment of this year 1893 as the basis of the assessment of the year 1894.

(Sgd.) W. S. JAQUES,
Mayor.
(Sgd.) GEO. H. GORDON,
Town Clerk.

{ Corporate
Seal. }

CHAPTER 86.

An Act to consolidate the Debt of the Town of Wiarton.

Assented to 5th May, 1894.

Preamble.

WHEREAS the corporation of the town of Wiarton have by their petition represented that they have incurred debts and liabilities, for the purpose of building and maintaining public and high schools, for aiding by way of bonus the Stratford and Huron Railways, the building of docks, for drainage purposes, and for a system of waterworks and the extension thereof, to the extent of \$48,637.27, for which amount debentures have from time to time been issued, the amount of such debenture debt being at present \$43,199.87 and that no funds have been provided by way of sinking fund or otherwise for redeeming the unpaid debentures so issued as aforesaid; and whereas the said corporation have incurred a floating debt of \$5,149.15 in addition to the ordinary expenses of the corporation for payment of which no fund has been provided; and whereas the said corporation deem it necessary to expend an additional sum of \$2,000 in further extending the system of water works in the said town; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts, the said floating debt and the further expenditure necessary to the extension of the waterworks system, as aforesaid, would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of \$43,199.87 and the said floating debt of \$5,149.15 may be consolidated, and that they may be authorized to issue debentures to an amount not exceeding in the whole \$50,000, and with the money loaned thereon to pay off the present liabilities and such additional liability as shall be incurred in the further extension of the system of waterworks; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Debts
consolidated
at \$50,000.

1. The said debts of the said town of Wiarton are hereby consolidated at the sum of \$50,000, and it shall be lawful for the corporation of the said town of Wiarton to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient

ficient sums to retire the said debentures amounting to \$43,199.87 as they respectively become due, and to pay off the floating debt amounting to \$5,149.15 and such additional liability as shall be incurred in the further extension of the water-works system, not exceeding in the whole \$50,000, exclusive of interest thereon.

2. The said corporation of the town of Wiarton, from time to time may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$50,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Issue of
debentures
authorized.

3. The corporation of the said town may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Power to
raise money
on debentures

4. The said debentures shall be payable in not more than thirty years from the first day of June, 1894, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of June in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment,
debentures
and interest.

5. A portion of the said debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty years from the first day of June, 1894, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Debentures to
be payable
yearly.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Specia rate.

Application
of proceeds of
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the said debentures of the town of Wiarton, now outstanding amounting to \$43,199.87 and in payment of the said floating debt amounting to \$5,149.15 and such additional liability as shall be incurred in the further extension of the waterworks system, not exceeding in the whole \$50,000 as aforesaid, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Power to call
in outstanding
debentures.

8. The treasurer of the town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefore the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Assent of
electors to
by-laws not
required.

9. It shall not be necessary to obtain the assent of the electors of the said town of Wiarton for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts.

55 V., c. 42.

By-law not to
be repealed
until debt
paid.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Treasurer to
keep book
showing state
of debenture
account.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Wiarton from any indebtedness or liability which may not be included in the said debts of the said town.

Liability
corporation
not affected.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of schedule B to this Act.

Form of
debentures
and by-law.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or by-laws or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent
enactments
not to apply.

Irregularity
in form not to
invalidate
debentures.

15. Whereas the corporation of the said town of Wiarton has also represented that by an oversight the provisions of section 9 of chapter 35 of the Acts passed in the 56th year of Her Majesty's reign were not noticed until long after the striking of the annual rate for the year 1893, and as the council for that year were anxious to avoid increasing the heavy rate already struck, they omitted to levy the special rate necessary to provide the sinking fund for the payment of the outstanding debentures for that year. And the said corporation has prayed that it may be relieved from levying the said special rate, and as several of the members of the town council for the year 1894 were members of the village council for the year 1893, have also prayed that all such members may be relieved from the penalties mentioned in said section 9 of chapter 35 of the Acts passed in the 56th year of Her Majesty's reign, so as to remove any doubt as to the validity of any acts that may be performed by them and to prevent vexatious and expensive litigation over the matters in question, and it is expedient to grant the prayer of the said petition; Therefore it is hereby enacted:—

Preamble.

(1) The said corporation of the town of Wiarton are relieved from the necessity of levying the said special rate for the payment of the sinking fund of the debenture debt of said town for the year 1893.

Corporation
relieved from
levying sink-
ing fund in
1893.

Members of
council not
disqualified.

(2) The members of the council of the said town of Wiarton for the year 1893 are hereby declared eligible and qualified to hold the office of members of the council of the said town for the years 1894 and 1895, notwithstanding any of the provisions of section 9 of the said Act passed in the 56th year of Her Majesty's reign and chaptered 35.

Short title.

16. This Act may be cited as *The Town of Wiarton Debt Consolidation Act, 1894*.

SCHEDULE A.

(Section 13.)

CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Wiarton.

No.

\$

Under and by virtue of *The Town of Wiarton Debt Consolidation Act, 1894*, and by-law No. of the corporation of the town of Wiarton passed under the provisions contained in the said Act, the corporation of the town of Wiarton promise to pay to the bearer at in the sum of on the day of A.D. and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the town of Wiarton in the county of Bruce, this day of A.D. .

[L. S.]

A. B.,
Mayor.

C. D.,
Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Wiarton Debenture Act, 1894.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$ in the whole, as the corporation of the town of Wiarton may in pursuance of and in conformity with the provisions of the said Act direct. And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (or as the case may be) with interest thereon at the rate of per centum per annum, payable yearly according to the coupons to the said debentures attached. And whereas the amount of the whole ratable property of the said town of Wiarton, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$

Therefore the municipal corporation of the town of Wiarton enacts as follows :—

1. Debentures under the said Act, and for the purposes mentioned therein, to be known as *Consolidated Debt Debentures*, to the extent of the sum of \$, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and

CHAPTER 87.

An Act to amend an Act respecting Water Works
in the City of Windsor.*Assented to 5th May, 1894.*

Preamble.

WHEREAS the water commissioners of the city of Windsor have by their petition, prayed for authority to increase their debenture debt in order to provide for extensions and other works in connection with the water works system of the said city as hereinafter provided and to make valid the debentures heretofore issued for water works purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of additional debentures for water works.

1. For the purpose of extending the water mains constructing a new intake pipe and repairing the water works of the city of Windsor, the corporation of the said city shall have power to issue debentures of the said city, in addition to the debentures authorized to be issued by the town of Windsor under the provisions of section 33 of the Act passed in the 37th year of the reign of Her Majesty chaptered 79, to be called "Additional Water Works Debentures" for a sum of money not exceeding \$200,000 of lawful money of Canada.

Form of debentures.

2. The said debentures issued under the provisions of this Act shall be issued in sums of not less than \$100 Canadian currency or £20 sterling money of Great Britain, as shall to the said corporation seem expedient, and such debentures shall become payable within a period of thirty years from the date of the respective issues thereof, and shall bear interest at a rate not exceeding five per cent. per annum, such interest to be payable yearly or half-yearly as the said corporation shall by by-law provide. Coupons for the payment of such interest shall be attached to such debentures, and such debentures shall be signed by the mayor and treasurer for the time being of the said city and may be payable in this Province, Great Britain or elsewhere, as the council of the said corporation may determine.

How debentures to be payable.

3. The said debentures shall be payable by annual instalments during the period for which the same are issued and in which the debt is to be discharged, such instalments to be of such amounts that the aggregate amount

amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

4. Every by-law for raising money by debentures authorized to be issued under the provisions of this Act shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, as to by-laws requiring the assent of the ratepayers, and shall before the final passing thereof receive the assent of the ratepayers of the city of Windsor in manner provided by the said Act. Provided always that the said corporation may raise by by-law or by-laws, without submitting the same to the ratepayers of the said city, any sum or sums of money not exceeding in any one year \$20,000 for the purposes mentioned in this Act.

By-laws to be submitted to the rate-payers.

Proviso.

5. Section 33 of the Act, passed in the 37th year of Her Majesty's reign, chaptered 79, is amended by striking out the word "thirty" in the last line but one thereof, and substituting therefor the word "twenty."

37 V. c. 79, ss. 33 and 36 amended.

6. Notwithstanding that the outstanding debentures heretofore issued under the authority of section 33 of the Act passed in the 37th year of the reign of Her Majesty and chaptered 79, were issued on what is known as the instalment plan, the same including interest as well as principal, the said outstanding debentures are hereby declared to be valid and binding on the corporation of the city of Windsor as if the same had been issued on the sinking fund plan and strictly in pursuance of the terms of the said section.

Issue of former debentures validated.

7. This Act shall be read with and shall form part of the said Act respecting *Waterworks in the Town of Windsor*.

Act incorporated with 37 V. c. 79.

CHAPTER 88.

An Act to incorporate The Hamilton Radial Electric Railway Company.

Assented to 5th May, 1894.

Preamble.

WHEREAS Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman, and John Patterson, all of the city of Hamilton, in the county of Wentworth have prayed for an Act of incorporation under the name of "The Hamilton Radial Electric Railway Company," for the purpose of constructing and operating electric railways from the city of Hamilton to the city of Guelph, in the county of Wellington, and from thence to the town of Mount Forest, in the said county of Wellington, passing through the townships of Barton, Ancaster, West Flamboro', East Flamboro', Puslinch, Guelph, Nichol, West Garafraxa and Arthur; and also from the said city of Hamilton to the town of Berlin, in the county of Waterloo, passing through the townships of Barton, Ancaster, West Flamboro', Beverley, Dumfries and Waterloo, and from thence through the townships of Waterloo, Woolwich, Wellesley and Wilmot, in a belt line back to the said town of Berlin; also, from the said city of Hamilton to the village of Burlington in the county of Halton, and thence to the village of Mimico in the county of York passing through the townships of Barton, Saltfleet, Nelson, Trafalgar, Toronto and Etobicoke; also, from the said city of Hamilton to the town of Niagara Falls or Queenston in the county of Welland passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grant-ham, Stamford, Thorold or Niagara; also from the city of Hamilton to the city of Brantford passing through the townships of Barton, Ancaster and Brantford; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron or steel railways, to be operated by electricity with double or single iron or steel tracks, from the city of
Hamilton

Hamilton to the city of Guelph, in the county of Wellington, and from thence to the town of Mount Forest, in the said county of Wellington, passing through the townships of Barton, Ancaster, West Flamboro', East Flamboro', Puslinch, Guelph, Nichol, West Garafraxa and Arthur; and also from the said city of Hamilton to the town of Berlin, in the county of Waterloo, passing through the townships of Barton, Ancaster, West Flamboro', Beverley, Dumfries and Waterloo, and from thence through the townships of Waterloo, Woolwich, Wellesley and Wilmot in a belt line back to the said town of Berlin; also from the said city of Hamilton to the village of Burlington in the county of Halton and thence to the village of Mimico in the county of York, passing through the townships of Barton, Saltfleet, Nelson, Trafalgar, Toronto and Etobicoke; also from the said city of Hamilton to the town of Niagara Falls or Queenston, in the county of Welland passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Stamford, Thorold or Niagara; also from the city of Hamilton to the city of Brantford passing through the townships of Barton, Ancaster and Brantford, and the said railways, or any of them, may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the said company; and may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions of *The Consolidated Municipal Act, 1892*, 55 V., c. 42. and any Act or Acts amending the same.

3. The company may acquire the right to convey electricity required for the working of the railway and lighting the same or otherwise, over, through or under lands other than the right of way of the railways by this Act authorized to be built and to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public roads and highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between said company and any municipality in which such works or any part thereof may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, nor to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger the same or injuriously to interrupt the navigation of such waters. The

Acquiring
rights for
electric
lighting.

rights

rights hereby conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park without the consent of the commissioners thereof and the approval of the Lieutenant-Governor in Council.

Gauge. 4. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors. 5. The said Charles M. Counsell, John H. Tilden, William A. Wood, Adam Zimmerman and John Patterson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors. 6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreements respecting the conditions or dispositions of any gift or bonus in aid of the railways; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railways; and all meetings of the provisional board of directors shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interest of the said company.

Capital stock. 7. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first

place

place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railways, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions for stock when binding.

9. When and as soon as shares to the amount of \$100,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and in at least one newspaper published in the said city of Hamilton, of the time, place and purpose of the said meeting. First election of directors.

10. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. Number of directors and quorum.

11. The head office of the said company shall be at the said city of Hamilton, and the general annual meetings of the shareholders of the said company shall be held in such place Head office, general annual meeting.
in

in the said city of Hamilton, or in such other place and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said city of Hamilton, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Qualification of directors.

13. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

Rev. Stat. c. 170.

Proviso.

14. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "Plans and surveys."

Power to acquire lands.

15. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to

to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided, moreover, that the company shall not under this clause have power to acquire any lands after the lapse of four years from the passing of this Act; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

16. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens.

17. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section. Powers as to production and use of electricity. Rev. Stat., c. 165.

18. Wherever any of the said railways, or their cars, carriages, engines, motors or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between the said company and the municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and subject also, in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of one-half in number of the owners of property fronting

on

on such street or highway where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Crossing rail-
ways at grade.

19. Except in cities, towns and incorporated villages the railway of any company (operated by steam) shall not be crossed or intersected by the railways of the company hereby incorporated at grade.

Issues of
debentures.

20. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of
proceeds of
debentures.

21. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton Radial Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time

time being in the form set out in schedule "B" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

22. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

24. The company shall have power to enter into an agreement or agreements with any electric light company or companies or any company or companies organized for the purpose of supplying or furnishing electric power for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to carry on and operate the railways hereby authorized to be constructed. Agreements with electric light companies.

25. The said company may also construct an electric telegraph line and a telephone line in connection with their railways, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company. Telegraph and telephone lines. Proviso.

Issue of bonds.

26. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railways, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Calls on stock.

27. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Payments in
stock or
bonds

28. The said directors or provisional directors may pay, or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company

Negotiable
instruments.

29. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

30. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule "A" to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Conveyances
of land to
company.

31. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railways.

Mortgaging
or pledging
bonds.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, and in case by purchasing the whole of any lot or parcel of land over which the railways are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to
purchase
whole lots.

Rev. Stat.
c. 170.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railways or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Acquiring
material for
construction.

Rev. Stat.,
c. 170.

Sidings to
gravel pits.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railways, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railways and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railways to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railways.

Rev. Stat.
c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 170.

Aid to rail-
way.

35. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Gifts of lands.

36. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from
municipali-
ties.

37. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following namely :—

Submitting
bonus
by-laws

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto as aforesaid.

55 V. c. 42.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

39. Such by-law shall in each instance provide :—

By-law what
to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

40. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit

Petition
against aid
from county.

deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

“Minor municipality” meaning of.

41. The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Deposit to be made before by-law submitted.

42. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by rate-payers.

43. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

44. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Levying rates on portion of municipality.

45. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V., c. 42.

46. The provisions of *The Consolidated Municipal Act, 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

47. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for commencement.

48. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Councils may extend time for completion.

49. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Extent of aid from municipalities.

50. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws granting exemption from taxation.

51. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer shares.

52. The company shall have full power to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of

Warehouses, docks, etc.

the

the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railways.

Payment of
back charges
on goods.

53. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for
construction
and equip-
ment.

54. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock : provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation
of provisions
of Rev. Stat.
c. 170.

55. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof ; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion
of line.

56. The railways shall be commenced within two years and completed to the extent of a through connection with either Guelph, Berlin, Niagara Falls, Brantford or Mimico aforesaid within three years, and finally completed within five years after the passing of this Act.

56 V. c. 89
repealed.

Saving pro-
visions.

57. The *Act to incorporate the Hamilton Radial Electric Street Railway Company*, passed in the 56th year of Her Majesty's Reign, chaptered 89, is repealed, but such repeal shall not affect any contract or agreement entered into, nor any rights or powers acquired and exercised, nor any liability incurred under the provisions of the said Act, and for the purposes of any such contract or agreement, rights, powers or liabilities, the company hereby incorporated shall be substituted for and shall stand in the place of the said the Hamilton Radial Electric Street Railway Company.

SCHEDULE A.

(Section 30.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of
 dollars paid to me (or us), by The Hamilton Radial Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of
 dollars paid to me (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Hamilton Radial Electric Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said
 do hereby bar my (or our) dower
 in the said lands.

As witness my (or our) hand and seal (or hands and seals)
 this day of one thousand eight hundred
 and

Signed, sealed and delivered,
 in the presence of,

[L.S.]

SCHEDULE B.

(Section 21.)

CHIEF ENGINEER'S CERTIFICATE.

THE HAMILTON RADIAL ELECTRIC RAILWAY COMPANY'S OFFICE.

No. .

A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The Hamilton Radial Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of The Hamilton Radial Electric Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of

(or under the agreement dated the day of

, 18 , between the corporation of

and the said Company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER

CHAPTER 89.

An Act to confirm an agreement between the London Street Railway Company and the Corporation of the Village of London West.

Assented to 5th May, 1894.

Preamble.

WHEREAS the London Street Railway Company have, by their petition, prayed for an Act confirming by-law number 272 of the corporation of the village of London West, dated the twenty-sixth day of August, 1893, and a certain agreement made in pursuance thereof between the said petitioners and the said corporation of the village of London West, bearing date the twenty-ninth day of August, 1893; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
and By-Law
confirmed.

1. The agreement between the London Street Railway Company and the corporation of the village of London West, and the by-law therein referred to and incorporated therewith, which are set out in Schedule "A" to this Act, are hereby declared to be valid and legal, and to be binding upon the said parties thereto; and it is hereby declared that under said agreement the London Street Railway Company acquired and are entitled to the exclusive right and privilege of constructing, maintaining and operating a street railway in, upon and along the several streets mentioned in the said by-law, during all the term of years mentioned in the said by-law, but subject, nevertheless, to all the conditions, provisoes and restrictions in the said by-law and agreement, expressed or contained.

Agreement to
enure to bene-
fit of corpora-
tion united to
London West.

2. All the covenants, powers, rights and privileges which are by the said agreement entered into with, conferred upon or granted to the corporation of the village of London West, shall enure for the benefit of and vest in any corporation with which the said village corporation may become amalgamated and the assigns of the said village corporation.

SCHEDULE "A."

BY-LAW NO. 272, FOR GRANTING CERTAIN PRIVILEGES TO THE LONDON STREET RAILWAY COMPANY, AND TO DECLARE THE TERMS AND CONDITIONS ON WHICH THE SAME ARE GRANTED.

Whereas by an Act of the Legislature of the Province of Ontario, 36 Vic., cap. 99, intituled *An Act to incorporate the London Street Railway Company*, it is, amongst other things, provided that the councils of the municipalities adjoining the city of London and the said company may make and enter into any agreements and covenants relating to the construction and maintenance of the said railway ;

And whereas the said company has applied to the municipal council of the village of London West for permission to construct, maintain and operate a street railway, on the streets hereinafter named, as an extension of and as part of their railway system in the city of London and suburbs, and the said council has consented to grant the same upon the terms and conditions and subject to the restrictions, provisoes and conditions hereinafter contained.

Be it therefore enacted by the municipal council of the corporation of the village of London West as follows :

1. The consent, permission and authority, of the said municipal council is hereby given and granted to the said, the London Street Railway Company, their successors and assigns, to construct, complete, maintain and operate during all the term of years ending on the eighth day of March, A. D., 1925, a double or single iron street railway, with the necessary side-tracks, switches and turn-outs, for the passage of cars, carriages, and other vehicles adapted to the same, upon and along the streets hereinafter mentioned, in the manner, on the terms, and subject to the conditions, restrictions, provisoes and agreements hereinafter contained.

2. The said company is, by the provisions of this by-law, and on the terms and conditions, and subject to all the restrictions, provisoes and agreements hereinafter contained, exclusively authorized to construct, maintain and operate a street railway, as herein provided, upon and along Dundas street from Kensington bridge to the Wharncliffe highway, upon and along the Wharncliffe highway from the river Thames to Oxford street, and upon and along Oxford street from the Wharncliffe highway to Oxford street bridge ; provided, that on Dundas street there shall be only one track, with one switch of not more than three hundred feet, to be placed east of Centre street.

3. The construction of the said railway shall be commenced within one month after the passing of this by-law, and the railway shall be completed and equipped and operated by electricity on Dundas street, from Kensington bridge to the Wharncliffe

Wharncliffe highway, on the Wharncliffe highway, from Dundas street to Oxford street, and on Oxford street, from the Wharncliffe highway to the Oxford street bridge, on or before the first day of November of this current year, 1893; in default of which all the privileges granted to the said company by this by-law shall cease, determine and be at an end. Provided that the company shall transfer passengers from London West to the city of London over Kensington bridge by close connection of their cars on both sides of the bridge until such time as they acquire the right to run over the said bridge, and acquire the right to use electricity in the said city of London, and that they shall make every effort to acquire the right to run over the bridge as soon as possible.

4. The tracks of the said railway, and all works necessary for constructing and laying the same, and all overhead construction (for carrying the wires) shall be built and made in a substantial manner, according to the best modern practice, under the supervision of such officers as the council shall appoint for that purpose, and to the satisfaction of such officer.

5. The said railway shall be of the gauge of four feet eight and one-half inches, or the ordinary wagon track, and the rails shall be of the T pattern, and shall be laid and kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of streets, and passage of vehicles and carriages over the same.

6. The said railway shall be laid, if and where a single track shall be used, in the centre of the street, and if and where a double track shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street. Provided, that on the Wharncliffe highway the track may be laid two feet from the centre of the highway and on the west side of said centre.

7. The track shall conform to the grades of the several streets on and along which the same shall be laid, and shall not in any way alter or change the same, save and except, that upon and along Dundas street, from Kensington bridge to the Wharncliffe highway, the tops of the ties shall be level with the present roadway, so that the rails shall be above the present level, and the company shall, as part of the construction, grade up and gravel the whole of the street, on either side of their track to the satisfaction of the chairman of the board of works, and gravel, in the river-bed between Kensington and Blackfriars bridges, may be taken by the company free of charge.

8. The roadway between the rails and a space of two feet outside of each rail shall be paved, or macadamized, or gravelled, by and at the expense of the said company, and kept at all times in good repair by the said company, the materials to be furnished by the said company.

9. The company shall construct and maintain in good repair crossings similar to those for the time being in use by the cor-

poration

poration on the said streets, at the intersection of each railway track with any street which the same shall cross, to the extent of the width of the track or tracks and two feet on each side thereof, the materials to be furnished by the said company.

10. While the rails are being laid, or any of the works of the said company are in course of construction or repair, the said company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall either be removed or spread over the street from which the same shall be taken, as shall be directed by the officer of the corporation for the time being having charge of the repair of the streets.

11. The corporation of the village of London West, the said council, and the officers and servants thereof, shall have the right to take up the street traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers, or culverts, or laying down or repairing of gas or water-pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation, without being liable to the said company for any damage that may be thereby occasioned to the said railway or the works connected therewith, or the working thereof, and the said corporation shall not be liable to the said company for any damage the said company may sustain from the breakage of sewers or water-pipes.

12. Whenever it shall be deemed expedient by the corporation to pave for the first time any street upon or along which the railway tracks of the said company, or any of them shall be laid, that portion of the street between the rails, and for the space of two feet outside of each rail, shall be paved in like manner by and at the expense of the said company, and thereafter the same shall be kept paved and in repair by the said company, the company furnishing the materials.

13. The said company shall be liable for all damages which may be occasioned to any person by reason of the construction, repair or operation of the said railways, or any of them, or by reason of any default in repairing those parts of the said streets which it is herein provided that the said company shall keep in repair, and the said corporation shall be indemnified by the said company from all liability in respect of any such damages.

14. In case the said company shall fail to keep in a proper and sufficient state of repair the several tracks of the said railway or those portions of the streets which it is herein provided that the said company shall be bound to keep in repair, or the said crossings, after one week's notice in that behalf, the repairs may be made by the said corporation or the council thereof at the expense of the said company, and the amount so expended may be recovered from the said company in any court of competent jurisdiction, and, in case of the failure of the said company to pay the same for the period of two months after

after the recovery of a judgment for the amount, all rights and privileges hereby granted shall cease, determine and be at an end.

15. Whenever it shall be necessary to remove any snow or ice from the track or tracks of the said railway, the same shall not be left in heaps but spread evenly over the street or removed as shall be directed by the street commissioner for the time being, or, if there shall be no street commissioner, by the officer for the time being charged with the duties of that office. Provided that, on failure of the company after twenty-four hours' notice to do so, the corporation may perform the work at the expense of the company who shall pay for the same on demand to the corporation.

16. The said company shall not make use of salt for the purpose of removing snow or ice from the rails except with the consent of the council.

17. Whenever the fall of snow is such as to impede the use of the track, the company may use sleighs in lieu of cars, and when cars are not used, shall provide sufficient sleighs for the accommodation of the public.

18. The said company shall cause each car or other vehicle used by it to be numbered, and all cars shall be of modern design for service and comfort and be lighted and heated when necessary, and shall be kept clean inside and out.

19. The following rules and regulations in regard to the working of the railway shall be observed by the said company and the officers and servants thereof:—

(1) The cars or other vehicles shall be propelled by electricity as a motive power or shall be drawn by horses, and shall be run as often as the public convenience shall require or the said council shall prescribe; provided always that the said company shall not be bound to run their cars or other vehicles oftener than once in every twenty minutes during fifteen hours of the day.

(2) The said council may require that the cars or other vehicles used shall commence running as early as half-past six o'clock a.m. of each day of the year (Sundays excepted) and the fifteen hours hereinbefore mentioned shall commence at that hour, but the said company may at its own option run the cars for more than fifteen hours in each day.

(3) The company shall use passenger cars only, unless otherwise permitted by the council.

(4) No higher fare than five cents shall be charged for the conveyance of one adult passenger on the line, or than three cents for any child under twelve years of age. Tickets will be sold at the following rates: Six tickets for twenty-five cents, twenty-five tickets for one dollar; children's tickets, ten for twenty-five cents, good at any time for children under twelve years of age; workmen's tickets, at the rate of eight for twenty-five cents, good from 6.30 a.m. to 8 a.m. and from

5 p.m. to 6.30 p.m.; children under five years of age, when accompanied by parents or guardians, to ride free, provided they do not occupy seats.

(5) The payment of a fare shall entitle a passenger to a continuous ride, which is not a return, from any point on said railway to any other point on said railway in said municipality or in the municipality of the city of London; transfer arrangements to be made by the company to carry this out.

(6) The rate of speed of the cars shall at all times be subject to the direction of the council of the said municipality.

(7) No cars shall be allowed to stop on or over a crossing or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or for other unavoidable reasons, and no cars shall be left or remain standing in the street at any time so that the same shall obstruct traffic, unless waiting for passengers.

(8) When it is necessary to stop at the intersections of streets to receive or leave passengers, the cars shall be stopped so as to leave the rear platform slightly over the crossing.

(9) The cars shall be stopped, when necessary to receive or leave passengers, at designated stopping places, to be approved of by the said council.

(10) After sunset the cars shall be provided with coloured signal lights, of different colours, for front and rear, and a bell or gong shall be attached to each car.

(11) Conductors shall announce to the passengers the name of the streets and public squares as the cars reach them.

(12) The said company and its servants and officials shall conform to all such further regulations as the said council shall from time to time deem requisite or necessary and enact for the protection of the persons and property of the public, provided such regulations do not infringe upon the privileges hereby granted to the said company.

(13) Careful, sober and civil agents, conductors and drivers, shall at all times be employed to take charge of the cars of the said railway.

20. In case the said company shall fail to commence or to complete or to equip the said railway or any part of it (within the respective times hereinbefore in that behalf limited) or in case after the same shall be completed the said company shall fail or neglect to run regularly and in accordance with the provisions of this by-law, cars or sleighs for the accommodation of the public, sufficient for that purpose, for the space of six months, or in case the said company shall do or omit to do anything, the doing or omission of which, under the provisions of this by-law, causes a forfeiture of the rights hereby conferred, the said company shall forfeit all privileges, franchises and rights, which it shall acquire or are conferred upon it under the provisions of this by-law, and its roadway, tracks, rails,

rails, and overhead construction shall thereupon become and be vested in the said corporation absolutely. Provided further that one thousand dollars shall be deposited with the village treasurer on the signing of this agreement, to be forfeited in case the said Company shall fail to construct and operate the said railway within the time limited, otherwise to be returned to the said Company.

21. In the event of any other person proposing to construct railways on any of the streets of the village of London West, including the streets mentioned in this by-law, not occupied by the said Company, the matter and substance of the proposal shall be notified to the said Company, and the option of constructing such proposed railway, on the conditions contained in this by-law or the conditions contained in such proposal, as the said council shall determine, shall be offered to the said Company, but if such option shall not be accepted by the said Company within thirty days thereafter, or if the same having been accepted, the said Company shall not proceed with the necessary work and complete the same within the time by the said Corporation fixed for that purpose, then the said Corporation may grant the privilege to any other person and the said Corporation and its grantees shall be entitled to cross the railways of the said Company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the said Corporation to grant to the said Company or anyone else the right to construct a railway or railways upon any streets other than those herein mentioned, but no new line shall be constructed on any streets in the village without the consent of the council by by-law.

In the event of the council by a two-thirds vote of all the members of said council directing the extension of the said street railway on any streets in the said municipality not mentioned in this by-law or occupied by the said Company, the said Company shall have the right to construct and operate such extension, but, in case the said Company shall not, within one year from the time of such request, commence the construction of such extension and complete the same without unnecessary delay, the council may grant the right to construct and operate a railway on such extensions to any other company.

22. The railway shall not be open to the public or put in operation unless the same has been constructed, in all respects, conformably to the provisions of this by-law.

23. Before breaking up, opening, or interfering with any part of the said streets for the purpose of constructing the street railway, the said Company shall give to the council two days' notice, in writing, of their intention so to do, and when the work thereon shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on, with due regard to the proper and efficient construction of the same.

24. During the construction or repairing of the said railway due and proper care shall be taken to leave sufficient space and crossings, so that the traffic on the said streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the water-courses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen shall be provided and kept by the said Company, when and where the same shall be required to prevent accident to the public.

25. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, so that they do not impede or interfere with the cars of the said Company running thereon.

26. The cars of the said Company shall be entitled to the right of the tracks of the said railway, and any vehicle upon the tracks when a car approaches it shall be turned out by the driver or person in charge thereof, so as to allow the car to pass unobstructed.

27. Any person guilty of an infraction or breach of any of the provisions of this by-law shall, on conviction, forfeit and pay a fine of not less than one dollar or more than fifty dollars, exclusive of costs, and, in case of non-payment thereof, the same may be recovered by distress and sale of the goods and chattels of the offender, and in case there shall be no distress found out of which such fine and costs can be levied, the offender may be imprisoned in the common jail of the county of Middlesex, with or without hard labour, for any period not exceeding twenty-one days. Provided that if any person or persons shall have cause to remove any building or other large or heavy substance such person or persons shall be allowed sufficient and reasonable time to load or unload or remove it off or over the tracks without being liable to the penalty attached by this by-law, having first obtained permission of the council or of the official of the Corporation having charge of the streets, and having notified the Company.

28. The rights and privileges hereby granted shall not take effect until an agreement, by which the said company shall agree for itself, its successors and assigns, to conform to and perform all the stipulations, provisions and conditions, on its part to be observed and performed as herein provided, shall have been executed by the said company and by the reeve and clerk on behalf of the said corporation, or, unless such agreement shall be executed within seven days from the passing of this by-law, in default of which this by-law shall be of none effect.

29. At the termination of the franchise the village of London West, if it so desires, may, after giving twelve months' notice prior to such termination, take over all the real and personal property of the company, including the track, road-

bed and pavements, necessary to be used in connection with the working of the said railway at their then value, to be determined by three arbitrators to be appointed as provided in *The Municipal Act* and the *Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under the said Acts, each party to bear one-half of the cost of such arbitration. Provided, if no such notice is given, then the franchise and all privileges granted by this by-law, shall continue in force for a further period of five years, and at the expiration of said five years the corporation may, after giving twelve months' notice prior to such expiration, exercise the said right to take over all the said real and personal property of the company, on the aforesaid basis, and failing such notice, the franchise and all privileges granted by this by-law shall continue in force for a further period of five years, and so on for such further periods of five years each as shall elapse without the corporation giving notice as aforesaid.

30. After the corporation shall have given notice of its intention to take over the said property, it may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the time named by the corporation for taking over the said property. But, if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used in connection with the working thereof, on paying into court either the amount of such award, if the award be made, or, if not, upon paying into court or to the company such sum of money as a Judge of the High Court of Justice may, after notice to the opposite party order, upon and subject and according to such terms, stipulations and conditions as the said court shall by its order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value the rights and privileges granted by the said agreement and the revenue, profits and dividends being or likely to be derived from the enterprise, are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, road-bed, pavements, equipments, and works connected with and necessary to the operation of the railway.

31. The said company to be at liberty to apply to the Legislature of the Province of Ontario for an Act confirming this by-law, the said corporation of the village of London West not to oppose in any way such application.

32. The reeve and clerk are hereby authorized and required to execute in the name of the Corporation and under its Com-

mon Seal the agreement hereinbefore mentioned, at any time within seven days from the passing of this by-law, but not afterwards.

Passed the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and ninety-three.

W. H. BARTRAM,
Clerk.

JOHN PLATT,
Reeve.

[Seal of
London West]

Articles of agreement made, in duplicate, the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and ninety-three, between The London Street Railway Company (hereinafter called the Company) of the first part and the corporation of the village of London West (hereinafter called the Corporation) of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, 36 Victoria, Chapter 99, intituled, *An Act to Incorporate The London Street Railway Company*, it is amongst other things provided that the councils of the municipalities adjoining the city of London and the said Company may make and enter into any agreements and covenants relating to the construction and maintenance of the said railway.

And whereas the municipal council of the said corporation on the twenty-sixth day of August, one thousand eight hundred and ninety-three, passed a by-law, numbered 272, granting to the said Company certain rights for the construction, maintenance and operation of a street railway upon and along certain streets of the said village of London West, subject to certain provisions, stipulations and conditions therein contained, a copy of which said by-law, number 272, is hereunto annexed.

And whereas these presents are intended to give effect to the said by-law.

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the said Corporation to the said Company, the said Company doth for itself, its successors and assigns, covenant, promise and agree, to and with the said Corporation and its successors, in the manner following, that is to say :—That the said Company, its successors and assigns will, in all things conform to, obey, fulfil and keep all and every the conditions, stipulations and provisions upon, under and subject to which the said rights are by the said by-law granted to the said Company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the said Company, and will not do anything which the said by-law provides are not to be done by the said Company.

And the said Corporation doth hereby ratify and confirm the said by-law and all the provisions thereof and the rights and privileges thereby granted to the said Company, subject however, to all the conditions, stipulations and provisoes in the said by-law contained.

In witness whereof the said Company has caused its Corporate Seal to be hereto affixed under the hands of its president and secretary, and the said Corporation of the village of London West has caused its Corporate Seal to be hereto affixed under the hands of its reeve and clerk:

Witness:	{	H. A. EVERETT,	
		President, L. S. R'y Co.	[Seal of
		S. R. BREAK,	London St.
		Secretary, L. S. R'y Co.	R'y Co.]
I. F. HELLMUTH.	{	JOHN PLATT,	
		Reeve.	[Seal of
		W. H. BARTRAM,	London
		Clerk.	West.]

CHAPTER 90.

An Act respecting The Manitoulin and North Shore Railway Company.

Assented to 5th May, 1894.

WHEREAS by an Act of the Legislature of the Province of Ontario passed in the fifty-first year of Her Majesty's reign and chaptered 70, The Manitoulin and North Shore Railway Company was incorporated; and whereas by an Act of the said Legislature passed in the fifty-fourth year of Her Majesty's reign and chaptered 87, the said first mentioned Act was amended; and whereas the said company is desirous of obtaining power to operate the said proposed line of railway by means of electric power; and whereas by section two of the said last mentioned Act it was enacted that the said railway should be commenced within three years and completed within six years from the 23rd day of March, 1891; and whereas the said company have prayed that the aforesaid power be given to them and that the time for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the "*Act respecting companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power,*" and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Powers as to production and use of electricity.

Rev. Stat., c. 165.

2. Wherever the said railway or its cars, carriages, engines, motors or machinery, is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality, by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between said company and the municipality and under and subject to any by-law or by-laws of the council of the said municipality,

User of high ways

municipality, passed in pursuance thereof and in all such cases any and every work, matter or thing in connection with said electricity and the application and user thereof in so carrying, operating, and working the said railway or its cars, carriages, engines, motors or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Time for
commence-
ment and
completion
extended.

3. The time for commencing the construction of the said railway is extended for a period of three years from the 23rd day of March, 1894, and the time for the completion thereof for six years from the said date.

CHAPTER 91.

An Act to amend the Act to incorporate The Pembroke Southern Railway Company.

Assented to 5th May, 1894.

WHEREAS by an Act passed in the 56th year of Her Majesty's reign, chaptered 96, The Pembroke Southern Railway Company was incorporated; and whereas by section 2 of the said Act the said company was authorized to construct a railway from a point at or near the town of Pembroke, in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley in the said county of Renfrew to a point at or near the village of Douglas in the said township of Bromley; and whereas no aid has been granted by any municipality or portion of a municipality to the said company for the construction of the said railway under the provisions of the said Act; and whereas it has been represented that by altering and extending the location of the line of the said railway, the said company may more readily obtain municipal aid in the construction thereof; and whereas the said company have prayed that the said Act may be amended accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company shall, on or before the first day of June, 1895, signify in writing to the Commissioner of Public Works of the Province of Ontario under the hand of the president and secretary and the corporate seal of the said company, whether the said company elects to locate the said line of railway according to section 2 of the said Act of Incorporation, or to construct the same from the said town of Pembroke through the townships of Pembroke, Westmeath, Ross and Horton to the village of Renfrew, in the said township of Horton, in the said county of Renfrew, and thereupon the Lieutenant-Governor in Council may direct the said company to proceed with the construction of the said railway according to the location thereof so selected and adopted.

2. In the event of the said company under the powers conferred by the preceding section electing to adopt the said last mentioned location, the said company shall have full power and authority to survey, lay out, construct, equip, complete and operate a line or lines of railway from a point at or near

Company to
select location
of line.

Construction
of line from
Pembroke to
Renfrew.

near the town of Pembroke, in the said county of Renfrew through the townships of Pembroke, Westmeath, Ross and Horton to the village of Renfrew, in the said township of Horton, in said county, with full power to pass over any portion of the country between the points aforesaid, and all the powers granted to the said Company by the said Act of Incorporation, as to the construction of a line of railway between said town of Pembroke and the village of Douglas, in said county of Renfrew, or otherwise, and also all powers conferred upon municipalities, or portions of municipalities by the *Act to incorporate the Pembroke Southern Railway Company*, as to the granting of bonuses, and otherwise, shall be applicable to the said line or lines of railway between the said town of Pembroke and the said village of Renfrew, and the construction of the said line of railway from Pembroke to Renfrew aforesaid, shall be deemed a sufficient compliance with the said Act of Incorporation.

56 V. c. 96.

Construction
of line from
Pembroke to
Douglas.

3. Should the said company under the powers conferred by section 1 of this Act elect to locate the said line of railway as provided in section 2 of the said Act of Incorporation, the company may proceed to survey, lay out, construct, complete and operate the said line of railway according to the provisions of the said Act of Incorporation, and the said Act and all the powers thereby conferred upon the said company, or upon municipalities, or portions of municipalities, shall be applicable to the said line of railway between the said town of Pembroke and the said village of Douglas, but the powers conferred by section 2 of this Act shall not be applicable to or exercisable by the said company or any municipality or portion of a municipality.

Municipal aid.

4. Until the said company has made its election as to the location of the said line of railway under the powers conferred by section 1 of this Act, and unless the said company elects to locate said line of railway as provided by section 2 of the said Act of Incorporation, it shall not be lawful for the said company to enter into negotiations with any municipality or portion of a municipality along the said line of railway as provided by section 2 of the said Act of Incorporation, for the granting of aid in the construction of the said line of railway according to the said location, nor shall the powers conferred upon municipalities or portions of municipalities by the said Act of Incorporation as to the granting of bonuses and otherwise be applicable to the said line of railway between the said town of Pembroke and the said village of Douglas.

Time for
commence-
ment and
completion.

5. The time for commencing the construction of either of the said lines of railway, shall be within three years from the passing of this Act, and the time for the completion thereof shall be within six years from the said date.

6. It shall be lawful for the said Company to enter into arrangements with the Ottawa, Arnprior and Parry Sound Railway Company, The Canadian Pacific Railway Company, The Kingston and Pontiac Railway Company, and The Kingston and Pembroke Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements in the same manner as, with respect to the Atlantic and North-west Railway Company and the Ottawa, Arnprior and Parry Sound Railway Company, is provided in section 44 of the said Act of Incorporation, and the said line of railway may connect with any or either of said railways at any point at or between the said town of Pembroke and the said village of Renfrew, or between the said town of Pembroke and the said village of Douglas according to the location of the said line of railway selected by the said company under the provisions hereinbefore contained, but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreement
with other
companies.

CHAPTER 92.

An Act to incorporate The Portlock and Desert Lake Mining and Railway Company.

Assented to 5th May, 1894.

Preamble.

WHEREAS William Chisholm, Edward S. Page, Francis F. Palms, James B. Book and George C. Rankin, representing the ownership and control of certain hematite iron deposits at Desert Lake, in the district of Algoma, have by their petition represented that the construction of a railway from Portlock Harbour, in the township of Johnston, to The Desert Lake Iron Mine, in the township of Coffin additional, in connection with the working and development of the said hematite iron deposits, is necessary for the successful and profitable mining of the said deposits, and have prayed that an Act may be passed to incorporate the persons hereinafter mentioned under the name of The Portlock and Desert Lake Mining and Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Chisholm and Edward S. Page, of the city of Cleveland, in the State of Ohio, one of the United States of America, George C. Rankin, of the city of London, in the Province of Ontario, William H. Plummer, of the town of Sault Ste. Marie, James Stobie, of Portlock, both in the district of Algoma, Francis F. Palms and James B. Book, both of the city of Detroit, in the State of Michigan, one of the United States of America, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body politic and corporate by and under the name of "The Portlock and Desert Lake Mining and Railway Company," hereinafter called the "Company."

Head Office.

2. The head office of the company shall be at Portlock Harbour, in the said township of Johnston, or such other place in the Province of Ontario as may best suit the interests of the company.

Power of company.

3. The said company is hereby authorized and empowered to carry on the business of mining, smelting, manufacturing and milling of iron, steel or nickel-steel, and for these purposes may purchase, lease or otherwise legally acquire mining

mining or mineral lands and the right to mine on any mining or mineral lands in the townships of Johnston, Coffin and Coffin additional, in the said district of Algoma, and under the provisions of *The Mines Act, 1892*, to mine, operate and work any mineral deposits which heretofore have been or after the passing of this Act may be discovered as existing on said mining lands; and for the purpose of transporting the product of said work and mining operations to construct, maintain and operate a steam or electric railway, or railway operated partly by steam and partly by electric power, with double or single iron or steel rails, from Portlock Harbour, in the township of Johnston, to The Desert Lake Iron Mine, in the township of Coffin additional, all in the district of Algoma.

4. The gauge of the said railway shall be four feet eight Gauge. and one-half inches.

5. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said Railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Power to construct line in sections.

Rev. Stat. c. 170.

Proviso.

6. It shall and may be lawful for the company to erect, build, and operate a blast furnace or furnaces and other necessary works in the manufacture of iron, steel, or nickel-steel; and also to erect, build, and operate kilns, retorts and other structures and appliances necessary to the manufacture

Right to manufacture iron, steel and nickel-steel.

To manufacture charcoal. manufacture of charcoal at Portlock Harbour, aforesaid or such other point along their line of railway as may to a majority of the directors seem best in the interests of the company.

Power to acquire lands for warehouses, etc.

7. The said company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Provisional directors.

8. The persons named in section 1 of this Act shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

9. The said board of provisional directors shall have power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Portlock Harbour aforesaid, or such other place in the Province of Ontario as may best suit the interest of the company.

Rev. Stat. c. 170.

Capital stock.

10. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into

Rev. Stat. c. 170.

into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, the purchasing, leasing or otherwise legally acquiring mining or mineral lands, and the development, working and mining of any mineral deposits the company may acquire control of by purchase, lease or agreement, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of said railway, and to the other purposes of this Act.

11. The said company may receive from any government Aid to rail-
way. or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus, or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

12. When and as soon as shares to the amount of \$50,000 First general
meeting. of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said district of Algoma of the time, place and purpose of said meeting.

13. At such general meeting the shareholders present Number of
directors and
quorum. either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect not less than five nor more than seven persons to be directors of the said company in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by laws as may Rev Stat.
c. 170. be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

14. No person shall be qualified to be elected as such Qualification
of directors. director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

15.

Subsequent
annual
meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in Portlock Harbour aforesaid, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said district of Algoma, during the four weeks preceding the week in which such meeting is to be held.

Issue of bonds
authorized.

16. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat.
c. 70.

Special general
meetings.

17. Special general meetings of the shareholders of the company may be held at Portlock Harbour or at such other place and at such times and in such manner and for such purposes as may be provided by the by laws of the company and upon such notice as is provided in section 15 of this Act.

Calls.

18. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 15 of this Act.

Transfer of
shares.

19. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to con-
struct and
operate elec-
trical works.

20. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating the rolling stock of the company, and the said company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light,*

Rev. Stat.
c. 165.

Heat

Heat or Power, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

21. Wherever the said railway or its cars, carriages engines, motors, or machinery is or are carried, operated or worked on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon, and subject to such agreement in respect thereof as shall be first made between said company and the municipality, and under and subject to any by-law or by-laws of the council of said municipality, passed in pursuance thereof, and in all such cases any and every work, matter or thing in connection with said electricity, and the application and user thereof in so carrying, operating and working the said railway, or its cars, carriages, engines, motors, or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same.

Railway when operated by electricity on highways after agreement with municipality.

22. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph and telephone lines.

Rev. Stat. c. 158.

23. Aliens, and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rights of aliens.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 170.

Taking
materials for
construction
of road.

Rev. Stat.
c. 170.

Sidings for
gravel pits.

Rev. Stat.
c. 170.

Rev. Stat.
c. 170.

Snow fences.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

26.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

27. The said company shall have the right, on and after the 1st day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable
instruments.

Proviso.

29. The provisional directors or the elected directors may pay or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Certain pay-
ments may be
made in stock
or bonds.

30. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Pledging
bonds.

31. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to col-
lect back
charges on
goods.

32. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of

Power to
contract for
construction
and equip-
ment of line.
of

Proviso.

of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock : Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Form of conveyance of land.

33. Conveyances of land to the said company for the purposes of this Act made in the form set forth in the Schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and noregistrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

Incorporation of provisions of Rev. Stat. c. 170.

34. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Limitation of powers of expropriation.

35. Nothing in this Act contained shall be deemed to confer upon the company hereby incorporated, any power to enter upon or take lands for any other purpose than the construction of the said railway without the consent of the owners or occupiers of such lands first had and obtained.

Commencement and completion of line.

36. The said railway shall be commenced within three years and be completed within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains uncompleted.

SCHEDULE A.

(Section 33.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by the Portlock and Desert Lake Mining and Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid

to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Portlock and Desert Lake Mining and Railway Company, their successors and assigns, (*here insert any other clauses conditions, and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered }
in the presence of }

[L.S.]

CHAPTER 93.

An Act respecting The Toronto Railway Company.

Assented to 5th May, 1894.

Preamble.

WHEREAS The Toronto Railway Company has, by its petition, prayed that an Act may be passed, for the purpose of amending their Act of Incorporation, and empowering the board of directors to increase or decrease the number of its directors, and to make regulations in reference to the transfer of the stock of the company, and whereas it is desirable that the qualifications of the citizens for voting under section 1 of the Act incorporating The Toronto Railway Company passed in the 55th year of Her Majesty's reign be defined, and that proper regulations and safeguards be provided for the conduct of such vote and that a reasonable interval should elapse between such votes; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increasing or
reducing
number of
directors.

1. The directors of the company may, by by-law, from time to time increase to not more than fifteen, or decrease to not less than three, the number of its directors; but no by-law for either of the said purposes shall be valid or acted upon, unless it is approved of at a special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company are present in person or represented by proxy, or until a copy of the by-law has been certified, under the seal of the company, to the Provincial Secretary, and also has been published in the *Ontario Gazette*.

Transfer of
shares.

2. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock certificates, issued in respect of the shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Agencies for
transfer of
stock.

3. Notwithstanding anything in the Acts relating to the company contained, the directors of the company may establish agencies for the transfer of stock in Canada or elsewhere, prescribe the form of transfer of shares and mode of registration thereof; and make all such by-laws, provisions and regulations in any way relating to the transfer or acceptance of stock as to them may seem expedient.

4.

4. The holders of any bonds heretofore issued by The Bonds.
 Toronto Railway Company and secured by the mortgage deed set forth in Schedule A to the Act passed in the 56th year of Her Majesty's reign, Chapter 101, intituled *An Act respecting The Toronto Railway Company*, may with the consent of the company surrender to the company such bonds or part thereof for the purpose of being cancelled and of having issued in lieu thereof bonds payable in sterling, as hereinafter authorized. And upon such surrendered bonds being duly cancelled and delivered to the trustees under said mortgage deed, the company may issue in lieu thereof new bonds of like date, tenor and effect, and at the same rate of interest, but with principal and interest payable in sterling money of Great Britain and Ireland, at such place or places in Great Britain as the company may determine. Each new bond may be for a sum not less than £100, and the total amount of such new bonds shall not exceed the total amount of the said surrendered and cancelled bonds, calculated at the rate of \$486.66 $\frac{2}{3}$ for every £100 sterling. Such numbers may be placed upon such new bonds and the coupons thereof, that the same will not conflict with the numbers upon any outstanding bonds.

Such new bonds shall be certified by the trustees and thereupon they shall, for all purposes, take the place of the surrendered bonds, and the holders thereof shall be entitled to the same securities, rights, powers and privileges, as if instead of such new bonds they held the bonds which had been surrendered therefor.

Instead of hereafter issuing bonds secured by said mortgage deed, payable in lawful money of Canada as provided therein, The Toronto Railway Company may issue in lieu thereof, or of part thereof, bonds of like date, tenor and effect and at the same rate of interest, but with the principal and interest payable in sterling money of Great Britain and Ireland, at such place or places in Great Britain as the company may determine. Each bond may be for a sum not less than £100, but the total amount of bonds hereafter issued and secured by said mortgage deed shall not exceed the amount which the company is now authorized to issue, in lawful money of Canada, each £100 sterling for this purpose being calculated at the rate of \$486.66 $\frac{2}{3}$. The holders of the bonds hereafter issued payable in sterling money of Great Britain and Ireland, instead of in lawful money of Canada, shall be entitled to the same securities, rights, powers and privileges as if such bonds had been issued payable as provided in the said mortgage deed; and the provisions of the said mortgage deed and the statute therein referred to shall apply to such bonds and the issue thereof and to the disposition of the proceeds thereof.

Bonds payable in sterling money and issued under the foregoing provisions may, under the like terms and conditions, be surrendered and cancelled, and in lieu thereof bonds of equal amount payable in lawful money of Canada of like date, tenor and effect as in the said mortgage deed provided, may, under like terms and conditions be issued.

Application of provisions as to municipal elections in 55 V. c. 42.

5. All proceedings, regulations and penalties provided by *The Consolidated Municipal Act, 1892*, and amendments thereto, for the conduct of municipal elections and for voting upon municipal by-laws, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply, *mutatis mutandis*, to the taking of every vote upon the question of operating a Sunday service of street cars in the city of Toronto and to all officers and other persons engaged in taking such vote.

By-law for submitting question of Sunday service.

6.—(1) The submission of the said question shall be in pursuance of a by-law of the municipal council of the said city, which shall define the character and extent of the proposed service. But no such by-law shall be submitted until the terms thereof defining the character and extent of such proposed service shall first have been approved and adopted in writing by the Company.

(2) The said municipal council may, by the said or a subsequent by-law, require that a new registration of the manhood suffrage voters of the said city shall for the purposes of the taking of the said vote be had under the provisions of *The Manhood Suffrage Registration Act, 1894*, and in such case the proceedings for preparing the list of voters and in reference thereto shall be the same as nearly as may be as the one to be had and taken in the preparation under the said Act of the list of voters in case of a special election to the Legislative Assembly, and such list shall, as to the manhood suffrage voters, be the list to be used in taking the said vote.

(3) Immediately after the passing of such by-law the clerk shall transmit a copy thereof to the chairman of the Board of Manhood Suffrage Registrars, who shall thereupon call the board together and the board shall forthwith take the necessary proceedings for the registration of the manhood suffrage voters for the purposes of this Act.

Qualification of voters.

7. The persons qualified to vote upon the said question shall be all persons residing or engaged in business within the municipality of the city of Toronto who shall at the time of taking any such vote be entitled to vote at municipal elections in the said city of Toronto in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and amendments thereto, and also all persons residing or engaged in business within the said municipality who shall at the time of taking any such vote be entitled to vote at elections to serve in the Legislative Assembly of this Province in accordance with the provisions of *The Ontario Election Act, 1892*, and amendments thereto, and whose names are entered on the last revised voters' list for the said municipality, and also all persons, entitled to vote at elections for the Legislative Assembly as aforesaid, whose names are entered on the last lists of manhood suffrage voters for the said municipality under *The City Manhood Suffrage Registration Act, 1894*.

55 V. c. 42.

55 V. c. 3.

8. The clerk of the said municipality shall procure certified copies of the last lists of manhood suffrage voters for the said municipality prepared under *The Manhood Suffrage Registration Act, 1894*, from the clerk of the peace, and shall before the poll is opened deliver to the deputy returning officer for every polling sub-division a copy, either printed or written or partly printed and partly written, of the proper manhood suffrage voters' list for the polling sub-division, certified by him to be a correct list of all manhood suffrage voters entitled to vote upon the said question at such polling sub-division.

Lists of manhood suffrage voters

9. The clerk of the peace shall, on the last page of each such certified copy of the aforesaid manhood suffrage voters' lists, certify the date on which, as appearing by the registrars' certificate appended to his list, the first sitting was held for the preparation of such manhood suffrage voters' list, and the clerk of the municipality shall furnish to each deputy returning officer a certified copy of the certificate affecting the polling sub-division for which such deputy-returning officer is appointed.

Clerk to certify lists and furnish same to deputy returning officer.

10. No person shall vote more than once upon the said question.

Voters only to vote once.

11. The municipal council of the said city, by the by-law whereby a time for taking any vote upon the said question shall be fixed, shall also fix a time and place at which the clerk of the municipality shall sum up the number of votes given in favour of deciding the said question in the affirmative and in the negative respectively, and a time and place for the appointment of agents who may attend at the various polling places and at the final summing up of the votes by the said clerk respectively, on behalf of the persons desiring to procure an answer in the affirmative and negative respectively to the said question.

By-law to fix time and place for summing up, etc.

12. At the time and place so fixed the said clerk shall appoint in writing, signed by him, from among the applicants for such appointment or on behalf of applicants for each polling sub-division in the said city, two agents on behalf of the persons desirous of procuring an affirmative answer to the said question, and a like number of agents on behalf of the persons desirous of procuring a negative answer thereto, who may attend at each polling place during the taking of such vote, and shall also similarly appoint two persons on each side who may attend at the final summing up of the vote.

Appointment of agents.

13. Every person so appointed, before being admitted to the polling place or to the summing up of the vote, as the case may be, shall produce to the deputy returning officer or the clerk of the municipality, as the case may be, his written appointment.

Agents to have written authority.

Officers to
vote where
employed.

14. All deputy returning officers, poll clerks and agents who may be entitled to vote may vote on the said question at the places at which they are employed in the same manner and under the same conditions as at municipal elections.

Oath of
voters.

15. The oath or affirmation which is to be administered to persons claiming the right to vote upon the said question shall be in accordance with the forms set forth in schedule A hereto, and every deputy returning officer who shall preside at any polling place during the taking of any such vote is hereby authorized and required, upon request of any person entitled to be present in such polling place, to administer the said oath or affirmation to every person claiming such right; and if any such person shall refuse to take such oath or affirmation his vote shall not be received; and if the deputy returning officer receives such vote or causes the same to be received he shall incur a penalty of \$200 for each such offence.

Duties of
deputy return-
ing officers at
close of poll.

16. Immediately after the close of the poll in every polling place the deputy returning officer shall, in the presence of the persons authorized to be present, count the votes given "yes" and "no" on the said question, and shall make up into separate packets, sealed with his own seal and the seals of such of the persons authorized to be present as desire to affix their seals, and marked upon the outside with a short statement of the contents of each such packet, the date, the name of the deputy returning officer and of the ward and polling sub-division—

(a) A statement showing:—

1. The votes given "yes" on the said question.
2. The votes given "no" thereon.

(b) The used ballot papers which have not been objected to and have been counted.

(c) The ballot papers which have been objected to, but which have been counted.

(d) The rejected ballot papers.

(e) The spoiled ballot papers.

(f) The unused ballot papers.

(g) A statement of the number of voters whose votes are marked by the deputy returning officer under the heads "Physical incapacity" and "Unable to write," with the declarations of inability.

(h) The voters' lists with the oath of the deputy returning officer, in accordance with schedule G to *The Consolidated Municipal Act, 1892*, and the notes taken of objections made to ballot papers found in the ballot box.

17. No spirituous or fermented liquors or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling sub-division during the polling day under a penalty of \$100 for every offence; and the offender shall be subject to imprisonment not exceeding six months at the discretion of the court or judge, in default of payment of such fine.

Liquor not to be sold during polling.

18. After the taking of any vote upon the said question which shall result in the giving of a negative answer thereto, it shall not be lawful for the municipal council of the city of Toronto again to submit the said question until a period of three years at least shall have elapsed, and after the passing of this Act it shall not be lawful for the said council to submit the said question before the year 1896.

When question may be re-submitted

19. In this Act the words "the company" shall mean The Toronto Railway Company.

The Meaning of "the company."

20. This Act may be cited as "*The Toronto Railway Company's Act, 1894.*"

Short Title.

SCHEDULE A.

(Section 15.)

1. You swear (or solemnly affirm) That you are the person named or *intended* to be named by the name of _____ in the list of voters now shown to you.

2. That you are a natural born (or naturalized) subject of Her Majesty and are of the full age of twenty-one years.

3. That you are now actually residing (or engaged in business) within this municipality.

4. That you have not voted before during the taking of this vote either at this or any other polling place.

5. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you now tender.

6. That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote upon the taking of this vote or for loss of time, travelling expenses, hire of team, or any other service connected with the taking of this vote.

7. And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting upon the taking of this vote.

8. (In the case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow as the case may be.)

(In

(In the case of a voter claiming the right to vote as a freeholder.)

9. That you are in your own right (or your wife is) a freeholder within this municipality.

(In the case of a person claiming the right to vote as a householder or tenant.)

10. That on the _____ day of _____ 18____
(the day certified by the clerk of the municipality as the date of the return or of the final revision and correction of the assessment roll upon which the voters' list used for the purpose of taking the vote is based) you were actually, truly and in good faith possessed to your own use and benefit, as tenant or occupant of the real estate in respect of which your name is entered on the said list; that you are (or your wife is) a householder or tenant within this municipality, and that you have been resident within this municipality for one month next before the present date.

(In the case of a person claiming the right to vote in respect of income).

11. That on the _____ day of _____ 18____
(the day certified by the clerk of the municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used for the purpose of taking the vote is based) you were and thenceforward have been continuously and still are a resident of this city, and that at the said date and for twelve months previously you were in receipt of an income from your trade (office, calling, or profession, as the case may be) of a sum of not less than \$400.

(In the case of a person claiming the right to vote by reason of his being entitled to vote at elections to serve in the Legislative Assembly.)

12a. That you have resided within this province for nine months before the (a) _____ day of _____, being the day fixed by statute or by-law, authorized by statute, for beginning to make the assessment roll in which you were entitled to be entered as a person qualified to vote.

b. That you were, at the date aforesaid, in good faith a resident of and domiciled in the municipality in the list of which you were entered, that you have resided in this electoral district continuously from the said date, (b) and that you are now actually residing and domiciled therein.

(Or)

12a. That you have resided within this province for twelve months before the (a) _____ day of _____, being the day up to which complaint could be made to the county judge, under *The Voters' Lists Act*, to insert the name of any person in the list.

b. That you were, at the time aforesaid, in good faith a resident of and domiciled in the municipality in the list of which you were entered, that you have resided in this elec-

toral district continuously from the said date, (b) and that you are now actually residing and domiciled therein. So help you God.

(*In the case of a person claiming the right to vote by reason of registration under The City Manhood Suffrage Registration Act, 1894.*)

13a. That you resided within this Province for the twelve months next preceding (c) the day of 18 .

b. That you were on the said day in good faith a resident of and domiciled in this municipality; that you have resided in this municipality continuously from the said day (b) and that you are now actually residing and domiciled therein.

e. That you are entitled to vote upon the taking of this vote in this municipality. So help you God.

NOTE.—(a) The date to be inserted is at the choice of the voter to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the county judge under section 13 of *The Voters' Lists Act*.

NOTE.—(b) In case the voter has been temporarily absent for any of the purposes allowed by law insert the words following: "Except occasionally or temporarily in the prosecution of your occupation as (mentioning, *as the case may be*, a lumberman, or mariner, or fisherman, or in attendance as a student in any institution of learning in the Dominion of Canada, naming the institution)."

NOTE.—(c) Insert here the day of the first sitting held for the registration of manhood suffrage voters on which the poll book is based.

CHAPTER 94.

An Act to incorporate The Toronto Suburban Street Railway Company (Limited).

Assented to 5th May, 1894.

Preamble.

WHEREAS by letters patent, dated the twelfth day of November, A.D. 1890, duly issued under *The Ontario Joint Stock Companies' Letters Patent Act*, and *The Street Railway Act*, the Weston, High Park and Toronto Street Railway Company (Limited) was duly incorporated for the purposes and objects, and with the rights, powers and privileges in the said letters patent set out; and whereas by the Act passed in the 54th year of Her Majesty's reign and chaptered 97, the name of the said Weston, High Park and Toronto Street Railway Company was changed and the corporate name thereof declared to be "The City and Suburban Electric Railway Company (Limited)," with the further powers in the said last mentioned Act set out; and whereas by letters patent, dated the eleventh day of February, A.D. 1891, duly issued under *The Ontario Joint Stock Companies' Letters Patent Act*, and *The Street Railway Act*, the Davenport Street Railway Company (Limited) was duly incorporated for the purposes and objects, and with the rights, powers and privileges in the said last mentioned letters patent set out; and whereas the said City and Suburban Electric Railway Company (Limited), and the Davenport Street Railway Company (Limited) have constructed and are now operating a railway in the town of Toronto Junction and adjoining municipalities; and whereas the Street Railway Construction Company (Limited) have constructed the said railway for the said last mentioned railway companies, and there are balances due to it for the said construction; and whereas R. Wilson Smith, broker; John Torrance, shipping agent, and Albert W. Atwater, advocate, all of the city of Montreal, in the Province of Quebec; Henry W. Darling, electrician, of the city of Toronto, and of the city of Boston, in the State of Massachusetts, one of the United States of America, and Robert H. Fraser, electrician, of the city of Toronto, in the county of York, have by their petition prayed for incorporation under the name of "The Toronto Suburban Street Railway Company (Limited)," for the purpose of enabling the company so to be incorporated to acquire and take over all rights, powers, privileges, franchises and assets held by the City and Suburban Electric Railway Company (Limited) and the Davenport Street Railway Company (Limited), and to assume the liabilities entered into by the said last named companies; and for the conferring of certain other powers

powers upon the said company so to be incorporated, and for the confirming of the several agreements and indentures herein-after set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said R. Wilson Smith, broker; John Torrance Incorporation. shipping agent; Albert W. Atwater, advocate, all of the city of Montreal, in the Province of Quebec; Henry W. Darling, electrician, of Toronto and Boston, in the State of Massachusetts, one of the United States of America; and Robert H. Fraser, electrician, of the city of Toronto and county of York, and such other persons and corporations as shall hereafter become shareholders of the said company hereby incorporated, are hereby constituted a body politic and corporate under the name of the "Toronto Suburban Street Railway Company (Limited)," hereinafter called "the Company."

2. The company is hereby authorized and empowered to acquire from the City and Suburban Electric Railway Company (Limited), and from the Davenport Street Railway Company (Limited), hereinafter called "the vendors," or from either of them all the assets, franchises, rights, powers and privileges and other real and personal property of the vendors or either of them, including all the rights, privileges and franchises which the said vendors or either of them may have under any agreement with any township or town corporation for the construction of railways propelled by electricity or other motive power other than steam, and for the extension of the lines of railways at present owned or operated by the said vendors or either of them, and upon the exercise of the powers hereby conferred the company shall assume and be liable for all the debts, liabilities, contracts, covenants, agreements and obligations of the vendors or either of them so contracting, previously incurred or entered into by the said vendors or either of them; but nothing in this Act contained shall confer upon the said company the right to exercise any powers with regard to the production, sale or leasing of electricity to any greater extent than the same are now possessed by either of the said vendors respectively.

Acquiring
certain
properties,
etc., from
other
companies.

3. The capital stock of the company hereby incorporated shall be \$250,000 divided into 2,500 shares of \$100 each, and the company may with the consent of two-thirds in value of the shareholders present or represented by proxy at any special general meeting called for the purpose issue the said shares or any portion of them as fully paid up and non-assessable shares in payment or on account of payment of the prices agreed to be paid to the said City and Suburban Electric Railway Company (Limited), and the said Davenport

Capital stock.

Street

Street Railway Company (Limited), or either of them for their properties and rights as aforesaid, or in payment or on account of payment of the liability to the said Street Railway Construction Company (Limited), of the said vendors or either of them, and the company may give to any subscriber on his subscription for shares in the company credit on his subscription for shares of the said companies or any of them at such rate as the company may be willing to accept the same, and any shares so issued and paid to the said companies for the acquisition of any of the said properties or rights may be by them through their proper officers distributed amongst their shareholders and shall be considered thereafter as the personal property of such shareholders.

Corporate
powers after
purchase from
other
companies.

4. Upon an indenture in the form set out in Schedule A to this Act being executed between the said vendors or any of them and the company for the acquisition by the latter of the rights and privileges as aforesaid, the company shall thereby and thereupon have vested in it all the rights, powers, privileges and franchises of and belonging to the said vendors and each of them under the letters patent hereinbefore in part recited and under the statute in the preamble mentioned, respectively, and under the agreements hereinafter mentioned and hereby confirmed, together with all and singular the other assets and powers, franchises and real and personal property of the said vendors and any of them for all the rights, title, interest, property, claim, demand, privileges and franchises of the said vendors and each of them respectively, and such other rights and claims as may be by the said agreements lawfully conveyed to the said vendors, subject, however, to all the liens, charges, covenants, agreements and obligations previously entered into by the said vendors or either of them so contracting. And the said company shall thereupon be substituted for and stand in the place of the said vendors and each of them in respect of the said several agreements hereinafter in part recited and hereby ratified, as fully and effectually as if the company had been named as an original contracting party in each of the said last mentioned agreements, wherever the names of the vendors or either of them occur.

Agreements
confirmed.

5. The following agreements, namely, an agreement between the municipal corporation of the township of York and the Davenport Street Railway Company (Limited), dated the twentieth day of April, A.D. 1891; an agreement between the corporation of the town of Toronto Junction and the Davenport Street Railway Company (Limited), dated the eighth day of June, A.D. 1891; an agreement between the corporation of the town of Toronto Junction and the City and Suburban Electric Railway Company (Limited), dated the fifth day of October, A.D. 1891, and an agreement between the municipal corporation of the township of York and the Davenport Street Railway Company (Limited), dated the twentieth day of April

April, A.D. 1893, which agreements, together with certain other agreements and resolutions amending the same are fully set out in Schedule B to this Act, are hereby confirmed and declared to be valid and within the powers of the parties thereto, and to be binding upon the said the corporation of the township of York, the corporation of the town of Toronto Junction, the Davenport Street Railway Company (Limited) and the City and Suburban Electric Railway Company (Limited), respectively, and applicable upon the execution of the indentures aforesaid to the company.

6. The deed of mortgage set out in Schedule C to this Act, executed on the first day of February, A.D. 1893, by the said the City and Suburban Electric Railway Company to and in favour of The Trusts Corporation of Ontario as trustees for the bondholders, and the bonds issued by the said City and Suburban Railway Company (Limited) to the extent of \$140,000, being 280 bonds of \$500 each, are, and each of them is hereby ratified and confirmed and declared to be valid and within the powers and authority of the said City and Suburban Electric Railway Company (Limited), and the said bonds shall be and become an obligation of the company, and the said deed and the said bonds are hereby declared to be binding upon and an obligation of the Company as though the name of the Company had been inserted in the said bonds in the place and stead of the said City and Suburban Electric Railway Company (Limited), and as though the company had been a contracting party to the said deed of mortgage upon the company acquiring as aforesaid the property and rights of the said City and Suburban Electric Railway Company.

Mortgage to secure bonds confirmed.

7. The company may issue bonds, inclusive of any bonds already issued by the vendors, to the extent of \$20,000 per mile of its line of railway, but the total issue of bonds at any time outstanding shall not exceed in the aggregate the sum of \$20,000 per mile of single track, and in the event of any further issue of bonds than those in the last preceding section mentioned the said new bonds may rank concurrently with and may convey equal privileges and rights on the property and franchises of the company with the issue in the last preceding section mentioned, and the said company may after the consent of the holders thereof has been given in writing and verified by statutory declaration deposited in the office of the Provincial Secretary, recall and cancel the said issue, and upon such calling in and cancellation of the said bonds the mortgage executed for the further securing of the same shall be discharged and cease to be a charge upon the undertaking and property of the said company, and the company may make a new issue of bonds, and any necessary deed to secure the same for a like amount or for any further amount at any time or from time to time, but so that the total amount of bonds outstanding and unpaid at any one time shall not exceed \$20,000 per mile.

Bonding powers.

Head office.

8. The head office of the company shall be in the city of Toronto, in the Province of Ontario.

Provisional directors.

9. The persons named in the first section of this Act shall be and are hereby constituted the board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to open stock books and to procure subscriptions of stock for the undertaking, to enter into the agreements hereinbefore mentioned with the vendors and any of them, and by resolution to issue the capital stock of the company or so much of it as may be necessary as paid up stock as aforesaid for the purpose of acquiring the rights, privileges and franchises of the said vendors and any of them, and to call a general meeting of the shareholders for the election of directors as hereinafter provided.

Election of directors.

10. When and so soon as shares have been issued as aforesaid to the extent of \$50,000 or when that amount of stock shall have been subscribed, and ten per centum paid thereon into one of the chartered banks of the Dominion having an office in the Province of Ontario, and which shall on no account be withdrawn therefrom except for the services of the company, the provisional directors shall call a general meeting of the shareholders for the purpose of electing the directors of the company, by giving at least four weeks' notice thereof by advertisement in the *Ontario Gazette*, and in one of the newspapers published in the city of Toronto of the time, place and purpose of the said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not less than five nor more than seven persons to be directors of the company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board.

Subsequent annual meetings.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said city of Toronto, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said city of Toronto, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

12. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

13. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the said Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Rights of aliens.

14. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other street railway company (if lawfully authorized to enter into such agreements), or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person, for such time or times, and on such terms as may be agreed upon; and also to enter into agreements with any street railway company, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon. Agreements with other companies for use of rolling stock, etc.

15. The said company shall have power to enter into any agreement or agreements with any other company or companies for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which electricity may be required by the said company, for the purpose of operating their said railway. Agreement for supply of electric power.

16. Wherever the said street railway or its cars, carriages, engines, motors or machinery, is or are carried, operated or worked for street railway purposes on, over, through, under or along any street, highway or public place of any municipality by electricity, the same shall only be so carried, operated or worked upon and subject to such agreement in respect thereof as shall first be made between said company and the municipality and under and subject to any by-law or by-laws of the council of the said municipality passed in pursuance thereof, and in all such cases any and every work, matter or thing in connection with said electricity and the application and user thereof in so carrying, operating and working for street railway purposes the said street railway or its cars, carriages, engines, motors or machinery as aforesaid shall be so constructed, erected, laid down and arranged as not to incommode the public use of any such street, highway or public place, nor to be a nuisance thereto, nor to impede the free access to any house or other building erected in the vicinity of the same, or to endanger the same. User of highways.

17. Upon the execution of the indenture mentioned in section 4 of this Act, the said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating Production of electricity.

heating the rolling stock of the company, and the said company may sell or lease the electricity so produced to any person or corporation, and for such purpose shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the *Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power*, but such powers, rights and privileges shall be exercised by the said company in lieu of, or in substitution of the similar powers, rights and privileges conferred upon the City and Suburban Electric Railway Company, Limited, by section 5 of the Act passed in the 54th year of Her Majesty's reign, and chaptered 97.

Rev. Stat. c.
165.

54 V. c. 97,
s. 5.

Carrying
powers.

18. The said company shall have the power to take, transport and carry passengers, freight, express and mail matter over the railway and railways that may be acquired and operated or hereafter constructed by them, or any extension or extensions thereof.

Fares.

19. The fare of every passenger shall be due and payable on entering the car or other conveyance of the company, and any person refusing to pay the fare when demanded by the conductor or driver and refusing to quit the car or other conveyance when requested so to do, shall be liable to a fine of not more than ten dollars, besides costs, and the same shall be recoverable before any justice of the peace.

Incorporation
of Rev. Stat.
c. 171.

20. The several clauses of *The Street Railway Act*, and of every Act in amendment thereof, shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the company and the street railway or street railways that may be acquired and operated or hereafter constructed by them, as fully and effectually as if the company had been expressly named therein, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein, shall be understood to include the said several sections of the said Acts so incorporated with this Act.

Aid from
municipalities.

55 V. c. 42.

21. The powers given to the council of every county, township, city, town and incorporated village in section 634, or to a portion of a township municipality, in section 635a or to the council of a township in section 636 of *The Consolidated Municipal Act, 1892*, may be exercised in respect of The Toronto Suburban Street Railway Company (Limited) by such municipal councils, by a portion of a township municipality, or by the council of any township, through or near to which municipalities, or portions thereof, the line of the said Company is now or hereafter may be constructed.

SCHEDULE A.

(Section 4.)

This indenture made in duplicate this
day of 189 , between
hereinafter called the "Vendors," and the Toronto Suburban
Street Railway Company, Limited, hereinafter called the
"Purchasers,"

Whereas, by a certain Act passed at the session of the Legislative Assembly of the Province of Ontario, held in the fifty-seventh year of the reign of Her Majesty Queen Victoria, and assented to on the _____ day of _____ 1894, it was enacted that the said Purchasers might acquire from the Vendors all the assets, franchises, rights, powers and privileges, and other the real and personal property of the vendors, the whole as in the said statute more particularly recited and set forth.

And whereas it was by said statute enacted that upon an indenture being executed between said Vendors and said Purchasers for the acquisition by the latter of the rights and privileges as aforesaid, the Purchasers should thereupon and thereby have vested in them all the rights, powers, privileges and franchises of and belonging to the said Vendors and each of them under the letters patent therein and hereinafter in part recited and under the statute in the preamble thereto and hereinafter mentioned respectively, and under the agreements thereby confirmed, together with all and singular the other assets and powers, franchises and real and personal property of the said Vendors and any of them for all the rights, title, interest, property, claim, demand, privileges and franchises of the said Vendors, and such other rights and claims as may be by said agreements conveyed, subject to all the liens, charges, covenants, agreements and obligations of the said Vendors or any of them so contracting.

And whereas the Vendors have agreed to sell and the Purchasers have agreed to buy for the consideration hereinafter expressed, and in accordance with the provisions of said Act, all the rights, real and personal property, privileges, franchises and other assets of every nature and sort whatsoever, by the said Vendors owned and possessed.

And whereas the Purchasers have agreed to assume all the liabilities, contracts, covenants, agreements and obligations of the said Vendors.

Witnesseth that in pursuance of the said hereinbefore mentioned and in part recited statute passed in the 57th year of the reign of Her Majesty Queen Victoria, and in consideration of the premises and of

the Vendors hereby for themselves their successors and assigns sell, assign, transfer and make over unto the said Purchasers, their successors and assigns,

All and singular the assets, franchises, rights, powers and privileges of and belonging to the said Vendors, including the rights, privileges and franchises which the said Vendors have under and by virtue of the letters patent incorporating the said Vendors bearing date the day of (and of the Act passed in the fifty-fourth year of Her Majesty's reign by the Legislature of the Province of Ontario, chapter 97) and under and by virtue of any agreements heretofore entered into by said Vendors with any town or municipal corporation and especially the agreements between the Vendors and the municipal corporation of the township of York dated the day of and the agreements between the Vendors and the corporation of the town of Toronto Junction dated the day of

Together with all and singular the other assets and powers franchises and personal property of the said Vendors, and without restricting or limiting in any respect the terms of this transfer and sale, the present transfer shall be held to include and shall include all the line of road or electric railway of the vendors on Bathurst street from the crossing of the Canadian Pacific Railway track to Davenport road and westward along Davenport road from Bathurst street to King street and along King street from Davenport road to St. Clair avenue and along St. Clair avenue from King street to Keele street, along Keele street from St. Clair avenue to Dundas street and along Dundas street from Humberside avenue to Lansdowne avenue, down Lansdowne avenue from Dundas street to Louisa street, along Louisa street from Lansdowne avenue to Fairview avenue and down Fairview avenue from Louisa street to Evelyn Crescent, and also along Humberside avenue from Dundas street to Glendonwynne road, along Glendonwynne road to Glenholme drive, and thence along Glenholme drive to Fairview avenue, all situate and being in the said township of York and said town of Toronto Junction, for any right, title or interest which the Vendors may have herein.

Together with all the electric plant, cars, motors, engines, machinery and other appurtenances whatsoever used by said Vendors for and in connection with said line of road and its connections.

And also the following real property, to wit:—

[DESCRIBE LANDS.]

To have and to hold the same unto the sole use and benefit of said Purchasers their successors and assigns according to the nature and kind of the same respectively for all the right, title, interest, property, claim, demand, privilege and franchise of the said Vendors therein, subject to the liabilities, contracts, agreements and obligations of the said Vendors as hereinafter assumed by the Purchasers.

And

And the said Vendors for themselves, their successors and assigns covenant, promise and agree with the Purchasers their successors and assigns in manner following, that is to say:—

That the Purchasers, their successors and assigns shall and may from time to time, and at all times hereafter, peaceably and quietly have, hold, possess and enjoy the same and every of them and every part thereof, to and for their own use and benefit, without any manner of hindrance, interruption, molestation, claim or demand whatsoever of, from or by them the said Vendors or any other person or persons whomsoever.

And moreover that the said Vendors, and all persons rightfully claiming or to claim any estate, right, title or interest of, in or to the same hereby assigned line of road and railway, rights, powers, franchises, privileges, real and personal property, electric and other appliances, rolling stock and property connected therewith and incidental thereto and every of them, and every part thereof, shall and will from time to time, and at all times hereafter, upon every reasonable request of the said Purchasers their successors or assigns, but at the costs and charges of the said Purchasers, make, do, and execute, or cause or procure to be made, done and executed, all such further acts, deeds and assurances for the more effectually assigning and assuring the said hereby assigned line of road, and railway, rights, powers, franchises, privileges, real and personal property, electric and other appliances, rolling stock and property connected therewith and incidental thereto, unto the said Purchasers, their successors or assigns in manner aforesaid and according to the true intent and meaning of these presents as by the said Purchasers their successors or assigns, or their counsel learned in the law shall be reasonably advised or required.

And the Purchasers hereby assume and undertake all the contracts, obligations, debts and liabilities of the Vendors heretofore entered into or incurred by the Vendors. And the Vendors hereby assign, transfer, and make over to the Purchasers any and all claims, privileges and rights of action whatsoever which they the said Vendors may have against any person or company in respect of any contract for the construction of said road or otherwise howsoever.

And the Purchasers for themselves their successors and assigns covenant, promise and agree with and to the said Vendors their successors and assigns that they the said Purchasers shall and will protect, indemnify and save harmless the Vendors from and in respect of all liability arising out of all contracts and agreements and from and in respect of all debts, obligations and liabilities heretofore at any time by the Vendors made, entered into or incurred, or for or in respect of which the Vendors shall have become in any manner liable whether by any agreement, contract or by imposition by any statute of the said province, by assessment, taxation or assumption in any manner whatsoever, or otherwise howsoever, in respect of the road and work of construction aforesaid.

In

In witness whereof the parties hereto have hereunto caused their corporate seals to be affixed and the same to be signed and countersigned by their proper officers in that behalf.

SCHEDULE B.

Section 5.

I.

This indenture made in duplicate the twentieth day of April, A.D. 1891, between

The municipal council of the township of York, hereinafter called the "Council," of the first part, and

The Davenport Street Railway Company (Limited), hereinafter called the "Company," of the second part.

Whereas the said Company is empowered, among other things, to construct, maintain, complete and operate, and from time to time remove and change as required, a double or single iron or steel railway, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets in the municipalities of the city of Toronto, the township of York and other municipalities as the councils of the said municipalities, or any of them, may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon same and to construct and maintain all necessary works, buildings, appliances and conveyances, and if required to generate, produce and distribute electricity to be used as a motive power and for lighting and heating the Company's property, and for street railway purposes only, but subject always to the provisions of "The Street Railway Act," and that all the rights, powers and privileges contained in the said Act and subject to the necessary agreements to be from time to time entered into by the Company with the municipal corporations, companies and individuals interested and concerned, or any of them.

And whereas the Davenport Road hereinafter mentioned was until recently under the control of the York and Vaughan Plank Road Company, by which York and Vaughan Plank Road Company all tolls and dues were collected; and whereas the said street railway company has for valuable consideration procured said York and Vaughan Plank Road Company to abandon said Davenport Road to the township of York, and said road has by by-law of said Council been assumed by said Council freed from all tolls.

And whereas the said Company has applied to the Council to sanction the construction and operation by the Company of a double or single track street railway upon or along certain parts of said Davenport Road and other streets and avenues and roads in the township of York, hereinafter more particularly set out and described.

And

And whereas the Council, in so far as it has power and jurisdiction and in consideration of said Company having procured said abandonment free of charge to said Council, is willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said Company such as is hereinafter contained.

Now this indenture witnesseth that the said Council and Company have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the Company, their successors and assigns, be permitted without let or hindrance from the said Council, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair, an iron or steel railway track, to be a single track only until the Davenport Road be widened and graded sufficiently to warrant the Council in permitting the construction of a double track, such permission to be granted hereafter, with the necessary culverts, switches and turn-outs, such switches and turnouts not to exceed two per mile in number, beside one at each end, nor more than one hundred feet each in length clear of curves, for the passage of cars, carriages and other vehicles adapted to the same, in, upon and along that part of Davenport Road from its intersection with the northern limit of the city of Toronto westward to the easterly limit of the town of West Toronto Junction, that part of Bathurst street between the said Davenport Road and the northerly limit of the city of Toronto, that part of St. Clair Avenue lying west of the westerly limit of the town of West Toronto Junction, or along such hereinbefore described parts of streets, roads or avenues, or any of them, as the said Company may deem from time to time advisable, together with a switch or turnout for the purpose of leading to or from their railway or tramway to the power house of said Company, which said power house shall be erected within 200 yards of the line of the track, subject to the approval of the township engineer; and that said Company be permitted to erect and maintain such posts and wires upon and along said roads, streets or avenues, or any of them, as the said Company may from time to time deem requisite or necessary for the distribution of electricity to be used as a motive power or for lighting the said Company's property or for street railway purposes.

Such railway shall be of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement, and in all cases where switches and turn-outs are constructed the said Company, their successors or assigns, shall extend the road, metal or plank, on the macadamized or planked portion of the road, to a distance of at least sixteen feet beyond the rail nearest the ordinarily travelled road the full length of such siding.

2. All works necessary for constructing and laying down the railway or tramway shall be made in a substantial manner according to the then best modern practice in use in the city of Toronto, under the supervision of the township engineer for the time being, and to the satisfaction of the Council.

3. The roadway tracks and rails of said railway or tramway shall be located and constructed not less than two feet from the south side of the centre line of the Davenport Road and St. Clair Avenue and the west side of the centre line of Bathurst Street.

All the space between the rails and at least one foot six inches immediately adjoining the outside of each rail, as directed by the township engineer or by the Council, shall be paved or macadamized and kept constantly in good order and repair, and shall be maintained as nearly flush as can be with the top of the rails of the said railway or tramway by the said Company, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the Council within the limits aforesaid at the intersection of every such railway or tramway track and cross street or highway now opened or that may hereafter be opened, and wherever bridges, culverts or waterways are found necessary for drainage or other purposes in the opinion of the township engineer or the Council, and those culverts or waterways already constructed shall be extended as directed.

4. The track and turnouts shall conform to the grades of the streets, roads or avenues, or such other grades as may be furnished by the township engineer or the Council and the Company shall not in any way change or alter the same without the approval of said engineer or said Council, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases when required by the said engineer or said Council the said Company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and re-metal the same. The top of the rails shall be laid not more than one inch above the level of the street and shall be always so kept, and the gauge of said railway or tramways shall be uniform with the street tramways of the city of Toronto or the standard electric railway gauge in the discretion of the Company.

5. The location of the line of railway in the said street or highways shall not be made until the plans thereof showing the position of the rails and other works on said street shall have been submitted to and approved of by the Council and the township engineer.

6. That the said Council their successors or their assigns shall have the right to take up any part of the streets or highways traversed by the rails either for the purpose of altering the grade thereof, constructing and repairing of drains or

culverts

culverts or side crossings or for laying down or repairing gas or water pipes and for all other purposes within the province and privileges of a municipal corporation, without the Company their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway or works connected therewith and in prosecuting such works should any change be made in the grade of the said roads, streets or avenues by order of the said engineer or the said Council or their assigns, the said Company their successors or assigns shall without delay make its road or track conform with such changed grade of road so made.

7. The rails and cars to be used by the said Company their successors or assigns shall be of the latest approved pattern, in use in the city of Toronto, the same to be approved by the said Council. All persons using the road shall be at liberty to travel upon the portion of the said roadway occupied by the said railway or tramway, and in the same manner as upon other portions of the highway and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said Company, their successors or assigns, it being provided, however, that the cars of the said Company their successors or assigns shall have the first right of way over the said railway or tramway and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said Company their successors or assigns, so as to give them full right of way.

8. The company their successors or assigns shall run at least two cars each way morning and evening on a regular time table at such hours as will best meet the wants of the residents and the general public.

9. In case the electric motors or cars used by the Company their successors or assigns, in operating the said road whilst passing along the railway or tramway shall cause alarm to any horses travelling or being upon said roadway with vehicles or otherwise, the motors or cars of the Company shall, if necessary, be stopped to enable the horses so alarmed to pass, and the servants of the said Company shall assist the person or persons as aforesaid, so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway.

So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway, the speed of the cars may be increased, not however, to exceed at any time twelve miles per hour.

10. For facilitating the running of the Company's cars, sleighs or other conveyances may be used.

11. When the accumulation of ice or snow is, in the opinion of the township engineer or the said Council, sufficient to impede the running of the cars, the Company shall, on receiving notice from him, or them, remove the same, or provide sleighs

or

or other conveyances as provided in the preceding section and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer. And when the snow is removed from the track, the Company shall slant down the snow on the roadway so as to be convenient for the travelling public to the satisfaction of the said engineer.

12. No higher fare than five cents shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein.

13. The Company their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the Company upon the said highway, and the said Company, their successors or assigns, shall hold the said Council and their successors and assigns in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said Council or their successors or assigns, all sums payable by or recovered against the said Council or their assigns in respect of any such claims, together with all costs of or incidental to such claims incurred by the said Council or their successors or assigns, and such claims and costs shall be a lien on the property of the Company their successors or assigns.

14. Should the Company their successors or assigns neglect to keep their track or road, or crossings, or ballastings in good condition, according to the term of this agreement, or to have the necessary repairs, according to this agreement, made thereon, the said Council may give notice requiring such repairs to be made within ten days; and it is agreed between the parties hereto, that a certificate of the township engineer for the time being as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition, shall be binding and conclusive upon said Company, their successors or assigns, and if after such notification given requiring such repairs to be made the said Company, their successors or assigns, do not within one week begin and carry to completion, with all reasonable diligence, and complete within fifteen days from the receipt of such notice, or such further time as the said engineer may allow, then the same may be done by the Council at the expense and proper cost of the Company, and if said expense and cost are not paid within three months from the date when payment is demanded this agreement may be declared null and void, and the said Council shall be at liberty to remove the rails of the said Company their successors or assigns, and to place the said highway in proper state of repair at the expense of the said Company their successors or assigns.

15. The privilege and franchise granted by this agreement shall extend over a period of twenty years from the date hereof.

16. Upon the expiration of the privilege and franchise granted by this agreement, the Company their successors and assigns shall be entitled to a renewal of the same, and upon the

the expiration of such renewal term, to further renewals thereof upon such terms and subject to such conditions, covenants, provisos and stipulations as may be agreed upon between the Council or their successors on the one part, and on the Company, their successors or assigns on the other part, and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisos and stipulations as may, from time to time, on each renewal be determined upon by arbitration to be appointed under the provisions of the Municipal Act, provided, however, that at the expiration of the existing privileges and franchise granted herein, the Council may, upon giving notice in writing of their intention to the Company their successors or assigns twelve months prior to the expiration of the said existing privilege and franchise, assume the ownership of the railways and tramways of the Company its successors or assigns, and of the franchise thereof and all real and personal property in connection with the working thereof on payment of the value of the same to be determined by arbitration.

17. The Company their successors and assigns shall construct and have open for travel that part of their proposed line of railway or tramway along Bathurst Street, and that part of Davenport Road westward from Bathurst Street to the Northern Railway within eighteen (18) months from the date of the execution of this agreement, and in default thereof, the Company their successors or assigns shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder, and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted, and the consent of the Council had not been obtained by the Company as provided for in the hereinbefore in part recited Letters Patent.

18. Except as hereinafter provided, the Company their successors or assigns shall have the exclusive right and privilege to construct a railway or tramway in, along and upon the said portion of the said roads, streets and avenues subject to the observance of the conditions and agreements herein contained.

19. Notwithstanding anything in this indenture to the contrary contained the said Council reserves to itself the right to construct sewers and to grant, cede or consent to any other company, persons or corporations the privilege to construct sewers, and to construct and operate a railway or railways or tramway or tramways across the said streets, roads or avenues at such point or points on said streets, roads and avenues as said council may see fit in as ample a manner as if this agreement had not been entered into. And the said company and their successors and assigns hereby consent to the construction of said sewers and the construction and operation of railway or tramway line or lines across said roads, streets and avenues without claims, charge, let, molestation or hindrance of any kind whatsoever.

20. No motive power other than electricity or horse power shall be used on the said road without the consent of the Council, in any way at any time.

21. The said services of the said township engineer in all cases to be paid by the Company.

22. That the Company their successors or assigns shall be subject to all by-laws of the said township of York now in force or that may be hereafter passed in respect to highways as far as practicable.

23. Provided always and it is hereby agreed by and between the parties hereto and their successors and assigns that the said Company their successors and assigns shall commence the building of such road not later than four months from the date of the execution of this agreement and shall complete the same not later than the time hereinbefore mentioned.

In witness whereof the said Council have caused their corporate seal to be hereunto affixed and the reeve and clerk thereof have set their respective hands and the said company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered }

(Sgd.)	S. T. HUMBERSTONE,	(Seal
	Reeve.	Tp. York.)
"	W. A. CLARKE,	
	Clerk.	
"	FRANK TURNER,	(Seal D. St.
	President.	Ry. Co.)
"	DAVENPORT STREET RAILWAY	
	COMPANY (LIMITED).	

EGLINGTON, Aug. 3rd, 1891.

" Resolved, that the time for commencing the work of construction of the Davenport St. Railway Co. be extended for a period of three months from the expiration of the time mentioned in the agreement between this Council and said Street Railway Co., and the seal of the corporation be affixed to this resolution." Carried.

(Sgd.) W. A. CLARKE,
Clerk of York Tp.

(Seal Tp. York Municipal Council.)

431.

EGLINGTON, Dec. 21st, 1891.

Moved by Mr. Peterman,

Seconded by Mr. Wood,

Resolved that the Davenport Street Ry. Co. be granted a further extension of time of six months for the commencement of the work of construction of the said railway. Carried.

(Sgd.) S. T. HUMBERSTONE, Reeve.
" W. A. CLARKE, Clerk.

(Seal Tp. York Municipal Corporation.)

This

This indenture, made in duplicate the ninth day of May, A.D. 1892, between the Municipal Council of the Township of York, hereinafter called the "Council," of the first part, and

The Davenport Street Railway Company (Limited), hereinafter called the "Company," of the second part.

Whereas the said Company has entered into an agreement with the Council, dated the twentieth day of April, 1891, and it is desirable to make certain alterations and amendments to the said agreement ;

And whereas, in the opinion of Granville C. Cunningham, Acting Engineer for the City of Toronto, procured by said Council, the rail to be used in the City of Toronto is no better for use on country macadam roads than the ordinary "T" rail ;

Now this indenture witnesseth that the said Council and Company have covenanted and agreed, and by these presents do covenant and agree, each with the other as follows:—

That the Company shall have the right to use in the construction of said railway track a centre bearing rail, commonly known as the "T" rail, in lieu of the rail mentioned in said agreement.

It is further agreed and understood that, in all other respects said agreement shall remain in full force and virtue.

In witness whereof the said Council have caused their corporate seal to be hereunto affixed, and the Reeve and Clerk thereof have set their respective hands, and the said Company have caused their corporate seal to be hereunto affixed, and the President thereof has set his hand the day and year first above written.

"S. T. HUMBERSTONE,"	(Seal
Reeve.	Tp. York.)
"W. A. CLARKE,"	
Clerk.	
"M. D. BARR,"	(Seal D. St.
President.	Ry. Co.)

II.

This indenture, made in duplicate the eighth day of June, A. D. 1891, between the Corporation of the town of Toronto Junction, hereinafter called the "Corporation" of the first part, and the Davenport Street Railway Company (Limited), hereinafter called the "Company" of the second part.

Whereas the said Company has applied to the municipal council to sanction the construction and operation by the Company of a double or single track street railway upon or along certain parts of the Davenport Road, Weston Road and St. Clair Avenue, in the town of Toronto Junction, hereinafter more particularly set out and described.

And whereas the council, in so far as it has power and jurisdiction, is willing to grant such permission upon the terms and

and conditions hereinafter set forth, and to enter into an agreement with the said company, such as is hereinafter contained.

Now this indenture witnesseth that the said Corporation and Company have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows :

1. The privilege granted herein is the exclusive right to construct, maintain and operate a surface street railway, single or double track, with the necessary switches and turnouts, but steam shall not be used as a motive power, and in the event of the company using electricity as a motive power, with the right to erect and maintain such posts and wires as may be requisite for the purposes of the Company for a period of twenty years from the date of this agreement under the provisions of the Street Railway Act (R. S. O., chapter 171), on the following streets in the town of Toronto Junction, that is to say, Davenport Road, Weston Road from Davenport Road to St. Clair Avenue, and St. Clair Avenue from Weston Road to the western limit of the said town upon the following terms, viz. : Free for the first ten years from the date of this agreement, and thereafter for the remaining ten years at an annual rental of \$200 for each mile of the Company's tracks, said sum to be paid to the town treasurer in half-yearly payments on the first days of January and July in each year, making the first of such payments on the first day of January, 1902, and the Company shall not charge the undertaking with bonds or debentures for a longer period than twenty years from date of this contract.

2. The Company shall at its own expense construct the roadways and pavements on all streets traversed by the railway system between the rails and for eighteen inches on each side of the rails, subject to the approval of the town engineer, and shall maintain the same in repair, subject to the like approval.

TRACKS, ROADWAYS, ETC.

3. The company shall construct the tracks and substructure according to the best modern practice from time to time in general use in the city of Toronto, and as most suitable for the comfortable and safe use of the highway by those using vehicles thereon, and all changes in the rails, tracks and road-bed construction of new lines or additions to old ones shall be done under the supervision of the town engineer and to his reasonable satisfaction.

4. The gauge of the system of the city of Toronto is to be maintained on all lines constructed under this agreement, and the location of the railway on any street shall not be made by the Company until plans thereof showing the proposed position of the rails, the style of the rails to be used, and the other works on each such street have been submitted to and approved in writing by the town engineer.

5. The construction of the lines along all said streets east of Carleton Station to the easterly limit of Toronto Junction at the Davenport Station shall be commenced in a *bona fide* manner to the satisfaction of the town engineer within six months and shall be completed and open for traffic on or before the 8th day of June, 1892, and the lines along the remainder of said streets within eighteen months from the date of this agreement, but no lines shall be opened for traffic until the Company shall have obtained a certificate in writing from the town engineer that the same has been constructed to his reasonable satisfaction.

6. The Corporation shall have the right to take up the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing or repairing pavements, sewers, drains or conduits, or for laying down or repairing water or gas pipes, and for other purposes within the powers of the Corporation without being liable for any compensation or damage that may thereby be occasioned to the working of the railway or the works connected therewith, but all such work shall be proceeded with by the Council with due diligence, so that there shall be no loss of time to the railway save that cannot possibly be avoided, and the Council in the prosecution of such work shall confine the work to one side of the street at a time, as far as practicable in the opinion of the town engineer. In the case of any alteration in plans of proposed works made by the Corporation at the request of the Company, any additional expenditure caused by such alterations shall be borne by the Company.

7. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which has now the power to open or take up the streets of the town, such rights to be exercised with the permission of the Council and under the direction of the town engineer.

8. The provisions of section 15 of *The Street Railway Act* (R. S. O. Chapter 171) shall apply to the said Company and its tracks, but the limitation to two hundred yards contained in said section shall be extended so as to apply to five hundred yards of said Company's tracks upon any one street.

9. The track allowances (as hereinafter specified), whether for a single or double line), shall be kept free from snow or ice at the expense of the Company, so that cars may be used continuously, save as hereinafter mentioned, but the Company shall not sprinkle salt or other material on said track allowances for the purpose of melting snow or ice thereon without the written permission of the town engineer, and such permission shall in no case be given on lines where horse power is used.

10. If the fall of snow is less than four inches at any one time, the Company must remove the same from the tracks and spaces hereinafter defined, and shall, if the town engineer so directs, evenly spread the snow on the adjoining portions of the roadway, but should the quantity of snow and ice, etc., at

any

any time exceed four inches in depth, the whole space occupied as track allowance (viz.: for double tracks, sixteen feet six inches, and for single tracks, eight feet three inches), shall, if the town engineer so directs, be at once cleared of snow and ice and the said material removed and deposited at such point or points, on or off the street, as may be ordered by the town engineer, or instead of clearing off the snow, the town engineer may require the company to use sleighs instead of cars when the quantity of snow and ice exceeds four inches in depth.

TICKETS AND FARES.

11. Single (cash) fares are to be five cents each.

12. A class of tickets must be sold at the rate of six for twenty-five cents. Another class must be sold at the rate of twenty-five for one dollar. Children under ten years of age and not in arms are to be carried at half-fare rates, and infants in arms are to be carried free. School children are to have tickets at the rate of ten for twenty-five cents.

13. When the schedule of fares for the Toronto Street Railway is definitely settled, the cash fares and price of tickets shall (subject to clause 14) be regulated according to the said schedule of the Toronto Street Railway instead of as provided in the above clauses, 11 and 12.

14. Police constables and town firemen when on duty in uniform in the employ of the Corporation shall be carried free.

15. The Company shall be liable to and shall indemnify the Corporation against all damages arising out of construction or operation of the said railway system.

CARS.

16. Cars are to be of the most approved design as from time to time in general use in the city of Toronto, for service and comfort, including lighting, heating (from first December to first April), if cars are heated in the city of Toronto, and signal appliances, numbers and route boards, and they must be kept clean inside and out. Cars are to be used exclusively for conveyance of passengers, and smoking will only be allowed on front platform of closed cars and rear seat and platform of open cars, but a class of cars may be used for freight.

17. Notices shall be posted in the cars that ladies or children are not to enter or leave cars while in motion.

Single horse cars may be run in charge of a driver only wearing the Company's badge.

18. Cars are not to be overcrowded.

19. Cars shall only be stopped clear of cross streets. Cars to have right of way and vehicles or persons not to obstruct or delay their operation.

20. Nothing herein contained shall be taken as conferring upon the Company any right to construct or operate underground, overhead or elevated railways in the town, and the
right

right to construct or operate, or to authorize the construction or operation of such railways in the said town or in any part thereof is hereby expressively reserved.

21. Should the said Company's tracks cross the railway tracks of the Grand Trunk and Canadian Pacific railways on St. Clair Avenue or any other railway tracks then the Company shall pay their share of maintaining gates and watchmen at the said crossing as may be directed by the Railway Committee of the Privy Council at Ottawa.

22. The Company, their successors or assigns shall run cars over their lines at least three trips each way during the forenoon of every lawful day, and at least six trips each way during the afternoon of every lawful day on a regular time table at such hours as will best meet the wants of the general public.

23. At the termination of this contract or any time previously upon giving six months' notice the town may (in the event of the Council so determining) take over that portion of said railway lying within the limits of the town and west of said town limits, and all the real and personal property necessary to be used in connection with the working of the same, at a price to be determined by one or more arbitrators (not exceeding three) appointed as provided in *The Municipal Act* and the acts respecting arbitrations and references, and to have all power of arbitrators appointed under said Act, but the town shall only pay for the real property what it will then bring or is worth without reference to its value for the purpose of operating a street railway or railways, and no allowance shall be made to the Company in respect of the franchise or for the unexpired portion of said term or of the unearned increment which may, subsequent to purchase by the Company, have accrued to the lands so taken over by the town and in the event of the corporation taking over the said railway said corporation shall operate the said railway (as to the portion so taken over) in the same manner as the Company is bound to do under the terms of this agreement. The corporation shall not have the rights nor shall it be bound to take over the portion of said railway lying east of the town.

24. In case of any dispute or difference of opinion arising during the term of this contract between the Company and the corporation as to the meaning or construction of this contract the same shall be determined on summary application, after two clear days' notice to the other party by the person who for the time being fills the office of judge of the county court of the county of York, who may as arbitrator determine the same with the powers as to the costs and otherwise of arbitrators under *The Municipal Act*, and his decision shall be final.

25. In case of neglect or failure on the part of the Company to perform any of the conditions of this contract, and for each day's omission or neglect to run cars the required number of trips and as provided in this contract the Company shall in each such case of failure forfeit and pay to the town the sum

of

of one hundred dollars as liquidated damages and not as a penalty, but this clause shall not apply to the case of neglect to run cars during days when impossible to so run them by reason of bad weather, accident to the road-bed or general strike among employees.

In witness whereof the said Corporation have caused their corporate seal to be hereunto affixed and the mayor and clerk thereof have set their respective hands and the said Company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and year first above written.

[Seal of Town of
Toronto Junction.]

(Sgd.) D. W. CLENDENAN,
Mayor.

(Sgd.) ROBT. J. LEIGH,
Town Clerk.

[Seal of Davenport
St. Ry. Co.]

(Sgd.) FRANK TURNER,
President.

THE CORPORATION OF THE TOWN OF TORONTO JUNCTION.

COUNCIL CHAMBER, November 30th, 1891.

Moved by A. McFarlane, seconded by J. J. Woollings,—
“Resolved, that the word ‘twelve’ be substituted for the word ‘six’ in the fifth line of the fifth clause of the agreement between this town and the Davenport Street Railway Company and the word ‘September’ substituted for the word ‘June’ in the sixth line of the same clause of said agreement.”
And the mayor and clerk shall sign this resolution. Carried.

(Sgd.) ROBT. J. LEIGH,
Town Clerk.

(Sgd.) D. W. CLENDENAN,
Mayor.

III.

This indenture made in duplicate the fifth day of October A.D. 1891, between the Corporation of the Town of Toronto Junction (hereinafter called the “Corporation”) of the first part, and the City and Suburban Electric Railway Company (Limited) (hereinafter called the “Company”) of the second part.

Whereas the Company has applied to the municipal council to sanction the construction and operation by the Company of double or single track railways upon or along all or any of the streets or roads of the said Corporation, save and except those portions of said streets and roads on which the Davenport Street Railway Company have a right to operate under an agreement with the said Corporation dated the eighth day of June, A.D. 1891; and whereas the said council, in so far as it has power and jurisdiction, is willing to grant such permission
upon

upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said Company, its successors and assigns, such as is hereinafter contained; Now this indenture witnesseth that the said Corporation and the said Company have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:—

1. The privilege granted herein is the exclusive right to construct, maintain and operate surface street railways, single or double tracks, with the necessary switches and turnouts (but steam shall not be used as a motive power, except with the approval of the engineer and Corporation), and in the event of the Company using electricity as a motive power, to have, to erect and maintain such posts and wires as may be requisite for the purposes of the Company (but such posts and wires shall not be erected or constructed so as to conflict with the posts and wires of other companies and shall be subject to the approval of the town engineer and shall be located as he directs) for a period of twenty years from the date of this agreement, under the provisions of *The Street Railway Act* (R. S. O. chapter 171) on all or any of the streets and roads and portions of the same of the said Corporation, save as aforesaid, upon the following terms, viz. :—

Free for the first ten years from the date of this agreement and thereafter for the remaining ten years at an annual rental of \$500 for each mile of street or road on which the Company's tracks are laid; said sum to be paid to the town treasurer in half-yearly payments on the first days of January and July in each year, making the first of such payments on the first day of January, 1902, and the Company shall not charge the undertaking with bonds or debentures for a longer period than twenty years from the date of this contract.

The Company covenants and agrees to indemnify and save harmless the said Corporation from any loss, costs, charges, damages or expenses of any action or actions at law or in equity or otherwise howsoever arising by reason of any alleged damage or interference to or with the poles or wires of any other company having poles or wires on the streets.

2. The Company shall at its own expense construct the roadways and pavements on all streets traversed by the railway system between the rails and for eighteen inches on each side of the rails subject to the approval of the town engineer, and shall maintain the same in repair subject to the like approval. The Company shall construct the tracks and substructure according to the best modern practice from time to time in general use and as most suitable for the comfortable and safe use of the highway by those using vehicles thereon, and all changes in the rails, tracks and roadbed, construction of new lines or additions to old ones shall be done under the supervision of the town engineer and to his reasonable satisfaction.

3. The Company when putting down its tracks shall be required to lay the same on the present level of the streets or as near thereto as is compatible with the proper execution of the work, and in case the corporation shall hereafter require it the Company shall at its own expense lower and relay its tracks so as to conform to the grade the streets may be brought to on either side of the tracks by the Corporation cutting or filling in the streets, it being understood that no changes in grade shall be made oftener than once in five years, subject, however, to the rights of the ratepayers and of the corporation under the local improvement sections of *The Municipal Act*. The rails are to be laid flush with the streets so as to cause the least possible impediment to the traffic of the streets.

4. The gauge of the system of the city of Toronto is to be maintained on all lines constructed under this agreement, and the location of the railway on any street shall not be made by the Company until plans thereof shewing the proposed position and style of the rails to be used and the other works on each such street in connection with the construction of said railway have been submitted to and approved in writing by the town engineer and adopted by resolution of the municipal council.

5. The construction of the said railway upon the routes hereinafter agreed upon in section 27 of this agreement shall be commenced in a *bona fide* manner to the satisfaction of the town engineer forthwith after the date of this agreement, and shall be completed and open for traffic on or before the first day of September, 1892, provided the Company is not delayed by reason of work being executed by the Corporation on streets on which tracks are to be laid by the Company, the lines along the other streets to be constructed as may be hereafter agreed upon, but no lines shall be opened for traffic until the Company shall have obtained a certificate in writing from the town engineer that the same has been constructed to his reasonable satisfaction.

6. The Corporation shall have the right, subject to the provisions of clause 3, to take up the streets traversed by the railway lines for the purpose of altering grades thereof, constructing or repairing pavements, sewers, drains, conduits, or for laying down or repairing water or gas pipes and for other purposes within the powers of the Corporation without being liable for any compensation or damage that may thereby be occasioned to the working of the railway or the works connected therewith, but all such work shall be proceeded with by the council with due diligence so that there shall be no loss of time to the railway save what cannot reasonably be avoided, and the council in the prosecution of such work shall confine the work to one side of the street at a time so far as practicable in the opinion of the town engineer. The said Corporation shall, after the completion of any such works or improvements except on alteration of grade, leave the said railway

way line, rails and substructure in substantially the same state and condition as before the commencement of any such works or improvements. In case of any alteration in the plans of proposed works made by the Corporation at the request of the Company, any additional expenditure caused by such alteration shall be borne by the Company.

7. The privilege hereby granted is also subject to any existing rights, statutory or otherwise, of any other corporation which has now the power to open or take up the streets of the town, such rights to be exercised with the permission of the council and under the direction of the town engineer.

8. The provisions of section 15 of *The Street Railway Act* (R. S. O., chapter 171) shall apply to the said Company and its tracks, but the limitation of 200 yards contained in the aforesaid section 15 shall be extended so as to apply to 500 yards of the said Company's tracks on any one street.

9. The track allowances (as hereinafter specified) whether for a single or double line, shall be kept free from snow or ice at the expense of the Company, so that cars may be used continuously, save as hereinafter mentioned, but the Company shall not sprinkle salt or other material on said track allowances for the purpose of melting snow or ice thereon without the written permission of the town engineer, and such permission shall in no case be given on lines where horse power is used.

10. If the fall of snow is less than four inches at any time the Company must remove the same from the tracks and spaces hereinafter defined and shall, if the town engineer so directs, evenly spread the snow on the adjoining portions of the roadway, but should the quantity of snow and ice, etc., at any time exceed four inches in depth the whole space occupied as track allowance (viz., for double tracks sixteen feet six inches and for single tracks eight feet three inches) shall, if the town engineer directs, be at once cleared of snow and ice and the material removed and deposited at such point or points on or off the street as may be ordered by the town engineer or instead of clearing off the snow the town engineer may require the Company to use sleighs instead of cars when the quantity of snow and ice exceeds four inches in depth.

TICKETS AND FARES.

11. Single (cash) fares are to be five cents each.

12. A class of ticket must be sold at the rate of six for twenty-five cents. Another class must be sold at the rate of twenty-five for one dollar. Children under ten years of age and not in arms are to be carried at half-fare rates, and infants in arms are to be carried free. School children are to have tickets at the rate of ten for twenty-five cents, only to be used between 8 a.m. and 5 p.m. and not on Saturdays. Limited tickets (good between 5.30 and 8 a.m. and between 5 and 6.30 p.m.) eight for twenty-five cents.

13. Police constables and firemen in the employ of the Corporation when on duty in uniform shall be carried free.

14. The Company shall be liable to and shall indemnify the Corporation against all damages arising out of construction or operation of the said railway system.

CARS.

15. Cars are to be of the most approved design as from time to time in general use in the city of Toronto for service and comfort, including lighting, heating from the 1st December to the 1st of April, and signal appliances, numbers and route-boards, and cars must be kept clean inside and out. Cars are to be used exclusively for conveyance of passengers and smoking will only be allowed on front platform of closed cars and rear seat and platform of open cars, but a class of cars may be used for freight, and the Company is hereby authorized to carry freight on such cars, provided that such freight cars shall be constructed in such a manner and run at such hours as may be decided by the town engineer in writing and approved by resolution of the municipal council.

16. Notices shall be posted in the cars that no person shall enter or leave cars while in motion.

17. Cars are not to be overcrowded.

18. Cars shall only be stopped clear of cross streets; cars to have right of way and vehicles or persons shall not obstruct or delay their operation.

19. Nothing herein contained shall be construed as conferring upon the Company any right to construct or operate underground or overhead or elevated railways in the town, and the right to construct or operate or to authorize the operation or construction of such railways in the said town or in any part thereof is hereby expressly reserved.

20. Should the said company's tracks cross the railway tracks of the Grand Trunk or Canadian Pacific Railways or any other railway, then the Company shall pay such share of maintaining gates and watchmen at said crossings as may be directed by the Railway Committee of the Privy Council at Ottawa.

21. The Company, their successors or assigns, during the first five years of their franchise shall run cars over their lines at least three trips each way during the forenoon of every lawful day and at least six trips each way during the afternoon of every lawful day on a regular time table at such hours as will best meet the wants of the general public; to be decided and certified in writing by the town engineer, subject to the approval of the municipal council.

After the first five years the Company, their successors or assigns, shall run cars over their lines as frequently and at such hours as will best meet the wants of the general public, to be decided and certified in writing by the town engineer, subject to the approval of the municipal council, but the Com-
pany

pany shall not be required to run more than eighteen cars per day, and the Company shall not be bound to run any cars between the hours of 12 o'clock midnight and 5.30 a.m.

22. At the termination of this contract, upon giving six month's notice, the town shall (in the event of the council so determining by by-law of said corporation) take over all the said railway and the real and personal property of the Company necessary to be used in connection with the working of the railway also any lines adjoining and not within the town limits and the real and personal property of the Company necessary to be used in connection with the working of said lines at a price to be determined by one or more arbitrators, not exceeding three, to be appointed as provided in *The Municipal Act* and the Acts respecting Arbitration and References and to have all powers of arbitrators appointed under said Acts, but the corporation shall only pay for the said lands so taken over what they will then bring or their worth without reference to the value for the purpose of operation of a street railway or railways and no allowance shall be made to the Company in respect of the franchise. And it is expressly understood that if the Corporation determine to take over the property of the Company within the town limits it shall also take over the property of the Company adjoining outside the town limits, but the Corporation shall not be bound to take any real or personal property except what is necessary to be used in connection with the working of said railway.

23. In case of any dispute arising or differences of opinion during the term of this contract between the Company and the Corporation as to the meaning or construction of this contract the same shall be determined on summary application after two days' clear notice to the other party by the person who for the time being fills the office of judge of the county court of the county of York, who may as arbitrator determine the same with the powers as to the costs and otherwise of arbitrators under *The Municipal Act*, and his decision shall be final.

24. If the Company shall fail to construct, complete and operate the portion of the railway required to be constructed and operated by first September, 1892, as hereinbefore provided, such failure shall work a complete and absolute forfeiture of all the privilege or franchise on or over the streets granted by the corporation to the Company under this agreement, and in case of neglect or failure on the part of the Company to perform any of the other conditions of this contract and for each day's omission or neglect to run cars the required number of trips, and as provided in this contract, the Company shall, in each such case of failure, forfeit and pay to the town the sum of one hundred dollars as liquidated damages and not as a penalty, but this clause shall not apply to the case of neglect to run cars during days when impossible to so run them by reason of accident to road-bed or works or general strike among employees.

25. In case the Company shall, at the request of the Council, to be made after first September, 1892, and on receiving six months' notice, refuse, decline or fail to construct a line or lines of railway on streets of the town, in addition to the lines or mileage of railway hereinafter mentioned or referred to, the franchise of such last streets not then used by the Company shall revert to the town, and the town shall in that case have the right to grant a franchise of such last streets to any other Street Railway Company, and any other such Company shall have the right to cross the tracks of the Company so failing with its line or lines of railway, without the payment of any sum for the privilege of so crossing, except the cost of making the crossings and maintaining the same.

26. The Company shall be supplied with water at cost price from the Corporation waterworks system for ten years, from first January, 1891, up to 100,000 gallons per day, over that amount the Company shall pay 15 cents per 1,000 gallons, and the property of the Company necessary to be used in connection with the working of the railway under the provisions of its charter, shall be exempt from taxation for a like period in accordance with by-law number 233, bearing even date herewith and subject to the terms and conditions in said by-law contained.

27. The Company agrees to build and operate the railway along Conduit Street, from the city limits to Keele Street, thence northerly to Humberside Avenue, thence westerly along the most direct route to Elizabeth Street, thence northerly to Dundas Street, thence along Dundas Street to city limits, also along Keele Street northerly to the north limit of the town, on or before the first day of September, 1892.

28. The Company agrees to make connection with the Toronto Street Railway system after the said system has been extended to any point to which the said Company have a right to extend their lines, and as soon as an arrangement can be made with the proprietors of said railway system for that purpose, under the provisions of *The Municipal Act*.

29. The Company agrees to give as good through rates to any part of the city of Toronto when connection is made with the street railway system of that city, as can be obtained under the provisions of *The Municipal Act*.

30. The Company covenants and agrees to locate within the limits of the town, and to maintain there all its works for the production of electricity or for the building or repair of cars (if the Company have any such works) and all other works and buildings of the Company, except what are necessarily located on that part of the railway lying outside the town.

In witness whereof the said corporation have caused their corporate seal to be hereunto affixed, and the mayor and clerk thereof have set their respective hands, and the said Company

have

have caused their corporate seal to be hereunto affixed, and the president and secretary thereof have set their hands the day and year first above written.

Signed, sealed and delivered, in presence of C. C. GOING.	{	D. W. CLENDENAN,	{ Seal of Town of Toronto Junction }
		Mayor.	
		ROBT. J. LEIGH,	
		Clerk,	
	{	J. SAURIN McMURRAY,	{ Seal of City and Subur- ban Electric Railway Co. (Limited,) }
President.			

Signed, sealed and delivered, in presence of D'ARCY TATE.	{	LEONARD L. McMURRAY,
		Secretary and Treasurer.

IV.

This Indenture made in duplicate the twentieth day of April, in the year of our Lord one thousand eight hundred and ninety-three.

Between, the municipal corporation of the township of York, herinafter called the "Council," of the first part, and the Davenport Street Railway Company (Limited), hereinafter called the "Company," of the second part; whereas an agreement was entered into on the 20th day of April, 1891, granting to the Company certain rights in the township of York; and whereas the said Company has applied to the Council to permit and sanction the construction and operation by said Company of a single track street railway upon and along those portions of the streets in the township hereinafter more particularly set out and described; and whereas the Council has agreed to grant such permission upon the terms and conditions hereinafter set forth and to enter into such an agreement with the said Company as is hereinafter contained

Now this indenture witnesseth that the said Council and the said Company have covenanted and agreed and by these presents do covenant and agree each with the other of them in their respective corporate capacities as follows, that is to say:—

1. That the said Company, their successors and assigns, be permitted without let or hindrance from the said Council, their successors or assigns, to construct, maintain, complete and operate and from time to time to remove and repair an iron or steel single railway track, with the necessary culverts, switches and turnouts, such switches and turnouts not to exceed two per mile in number, besides one at or adjoining each end of the track, but such switches and turnouts shall be constructed only where such streets are at least 66 feet wide, and each switch shall not be more than three hundred

feet

feet in length, clear of curves for the passage of cars, carriages and other vehicles adapted to the same upon and along the following streets in the township of York, namely :—

(a) Elizabeth Street, from the southern boundary of Toronto Junction southerly to Park Road. Thence easterly along Park Road to Thompson Street, thence southerly along said Thompson Street to College Street extension, thence easterly along said College Street extension to Ellis Avenue, thence southerly along said Ellis Avenue to the southern limit and extension thereof to the Lake Shore Road in so far as the said Council has power to grant the same.

(b) The original road allowance (sometimes called Queen street) between the first concession from the bay and the broken front thereof, from the western limit of the city of Toronto, westerly to the river Humber. In all cases such privilege is given in so far as the Council has power to give the same.

And that the said Company be permitted to erect and maintain such posts and wires upon and along such streets as the said Company may from time to time deem requisite or necessary for the distribution of electricity to be used as motive power or for lighting the said Company's property or for street railway purposes or for general lighting, heating and power purposes, such posts to be erected in such position on said streets as the township engineer and Council may direct.

The said street railway shall be of approved material and construction and shall be properly ballasted with gravel to a depth of at least two inches below both rails and ties and to the top of the ties, and shall be worked under such regulations as shall be made and passed by the Council when in their opinion the same shall be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement. In all places where the switches and turnouts are constructed upon the graded portion of said streets, the said Company, their successors or assigns, shall macadamize or plank the road between the rails of such siding and to a distance of eight feet beyond the rail next the travelled portion of said streets, the full length of such siding at the time of construction.

2. All works necessary for constructing and laying down the railway or tramway shall be made in a substantial manner according to the then best modern practice in use, under the supervision of the township engineer and to the satisfaction of the Council.

The roadway, track and rails of the said railway or tramway shall be located and constructed along such side of said portions of said streets and at such distance from the centre as the Council and the township engineer shall direct.

3. Wherever the railway or tramway or switches is or are constructed upon the graded portion of the roadway, all the space between the rails and at least one foot six inches imme-

diately

diately adjoining the outside of each rail, as directed by the township engineer or by the Council, shall be filled in and kept flush with the top of rail with good select gravel and kept constantly in good order and repair and shall be maintained flush (as far as practicable) with the top of the rails of the said railway or tramway with a two inch crown at centre between the rails by the said Company, their successors or assigns, and in all cases the said Company, their successors and assigns shall also be bound to construct and keep in good order and repair approaches and crossings of a character approved by the Council within the limits aforesaid at the intersection of every such railway or tramway with any other railway, tramway or track and from and across lanes or highways now opened or that may hereafter be opened, and wherever bridges, culverts or waterways are, owing to the construction of the railway, found necessary for drainage or other purposes in the opinion of the township engineer and the Council, the same shall be made and constructed and maintained in a good state of repair by the said Company, and those bridges and culverts or waterways already constructed shall where necessary owing to the construction of the railway be extended and maintained in a good state of repair as directed by the said engineer and the Council, and that all of such works and repairs shall be made and done by the Company at their own expense.

4. The track and turnouts shall conform to the grade of the streets and cross streets, roads and avenues transversely and longitudinally as far as practicable or to such other grades as may be furnished by the township engineer or the Council and shall be laid so as to cause the least possible impediment to the ordinary traffic of said street and the said Company shall not in any way change or alter the same without the approval of the said engineer and the said Council, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then, in such cases when required by the said engineer and said Council, the said Company, their successors and assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway, as the case may be, and re-gravel the said road between the tracks and to a distance of 18 inches immediately adjoining the outside of each rail of said track, and the said Company shall be liable for the damage, if any, which may arise from the change of grade on said street, occasioned by the laying thereon of the rails of the said Company, and shall pay to the Council all sums of money payable by or recovered against the said Council in respect of such change of grade together with all costs of and incidental to such claims incurred by the Council, the said Council having taken all the necessary steps, having given all necessary notices and passed all necessary by-laws for the change of such grade before such change of grade is made.

5. The top of the rails when upon the graded portion of the roads shall be laid flush as far as practicable with the level of the street, at the line of location of said rails and shall be always so kept, and the gauge of the said railway shall be uniform with the gauge of the Toronto Street Railway, in the discretion of the Company.

The rails of the railway or tramway may be of the form of rail commonly known as the "T" rail, or in the event of the "T" rail not being used, then such other rail as may be approved of by the Council may be used, and the said roadway shall be constructed subject to the approval of the township engineer and the Council, and the said Company, their successors and assigns, shall cause to be constructed at all intersections of streets and entrances to private property existing or hereafter opened, fender planks adjoining the rails of such material and in such manner as directed by the said engineer or said Council. The grade of the street or roadway shall be constructed and maintained in such manner as shall be directed by the township engineer or the Council.

6. The location of the line of railway in the said streets or highways shall not be made until the plans thereof shewing the position of the rails and other works on said streets shall have been submitted to and approved of by the Council and the township engineer.

7. That the said Council, their successors and assigns, shall have the right to take up any part of the street or highway traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of drains, culverts, bridges or side crossings or for laying down or repairing gas or water pipes and for all other purposes within the province and privilege of a municipal corporation without the said Company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway, or works connected therewith, and in prosecuting such works should any change be made in the grade of the said road by order of the said engineer or the Council, or their successors, the said Company, their successors or assigns, shall without delay make their track conform with such changed grade so made and ballast and gravel the same between the tracks in the manner hereinbefore set forth and to a distance of eighteen inches immediately adjoining the outside of each rail of said track.

7a. In all cases whether the streets and avenues hereinbefore mentioned are graded or not before the construction of said railway, "graded portion" thereupon shall be such portions as shall be designated by the engineer and council.

8. The cars to be used by the said Company, their successors and assigns, shall be of the latest approved pattern.

9. All persons using the said road shall be at liberty to travel upon the portion of the said roadway occupied by the said

railway or tramway, and in the same manner as upon other travelled portions of the highway, and vehicles of every description are to be allowed upon such portion of said highway and the wheels thereof upon the rails without charge by the said Company, their successors or assigns, it being provided however, that all the cars of the said Company, their successors or assigns, shall have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway shall turn out upon meeting or being overtaken by any of the said cars belonging to the said Company, their successors or assigns, so as to give the Company full right of way.

10. The said Company, their successors and assigns, shall except when prevented by reason of strikes, civil commotion or act of God, run at least two separate and distinct passenger cars each way each morning and evening of each day in the year, excepting Sunday, over the system of said railway, covered by this agreement, from time to time constructed by the said Company and in accordance with a regular time table to be settled and approved of by the Council and at such hours as will best meet the wants of the residents and the general public, but that in no event shall the said Council compel the said Company, their successors or assigns, to run more than two separate and distinct passenger cars each way each morning and evening of each day excepting Sunday.

11. In case the electric motor of car used by the said Company, their successors or assigns, in operating the said road, whilst passing along the said railway shall cause alarm to any horse or other animal travelling or being upon the said road with vehicle or otherwise, the motors or cars of the said Company, shall if necessary, be stopped to enable the horse or other animals so alarmed to pass the said motor or car, and the servants of the said Company shall assist the person or persons riding, driving or in charge of the horse or horses or other animals that may be alarmed as aforesaid, so as to prevent accident or injury to any person or persons, horse or horses, vehicle or other property of persons travelling, using or being upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway the speed of the cars may be increased not however to exceed at any time fourteen miles per hour.

12. Sleighs or other conveyances may be used for facilitating the running of the passenger cars belonging to the said Company, over and along any part of the said streets, but the same shall not take the place of or be run in lieu of the said motors or cars, except under the provisions of section thirteen of this agreement or in case of accident, rendering it impossible to operate said motors or cars.

13. When, in the opinion of the township engineer or the said Council, the accumulation of ice and snow is sufficient to
impede

impede the running of the cars, the said Company shall, on receiving notice from him or them, remove the same or provide sleighs or other conveyances for the conveyance of passengers as provided in the preceding section, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer. And when the snow is removed from the said track the said Company shall slant down or level off the snow on the roadway so as to be convenient for the travelling public, to the satisfaction of the said engineer.

14. No higher fare than that provided by section 9 of chapter 171, Revised Statutes of Ontario, 1887, shall be charged for the conveyance of each passenger the full distance one way, over said line of railway.

15. The said Company, their successors and assigns, shall be liable for all damages occasioned by reason of the building of said tramway, or repairing of the same and the existence of the rails and poles of the said Company upon the said street, and the said Company, their successors and assigns, shall hold, the said Council and their successors and assigns in all respects harmless in respect thereof, and shall pay to the said Council or their successors or assigns, all sums payable by or recoverable against the said Council or their successors or assigns, together with all costs of or incidental to such claims, incurred by the said Council or their successors or assigns, and such sums shall be and are hereby created a lien upon the road and plant of the said Company.

16. In the event of the said Company, their successors or assigns, neglecting to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement, or to have the necessary repairs made thereon according to this agreement, the said Council may give notice requiring such repairs to be made within ten days, and it is agreed between the parties hereto, that a certificate of the township engineer for the time being as to the necessity of such repairs being made in order to keep their track or roadway or crossing in good condition shall be binding and conclusive upon said Company, their successors and assigns, and if after such notification given, requiring such repairs to be made, the said Company, their successors and assigns do not within one week begin and carry such repairs to completion with all reasonable diligence, and complete the same within fifteen days from the receipt of such notice, or within such further time as the said engineer may allow, then such repairs may be done by the Council at the proper expense and cost of the said Company, and if such expense and costs are not paid within three months from the date when payment is demanded, then the cost so incurred shall be a lien upon the road and plant of the Company.

17. All rights in respect of the privilege and franchise granted under and by virtue of this agreement hereby become vested
in

in the said Company, their successors and assigns, and shall extend over a period of twenty years from the 20th day of April, 1891, and no longer, except as provided in section eighteen hereof.

18. Upon the expiration of the privilege granted by this agreement, the Council may, after having given the said Company a six months' notice prior to the expiration of the period hereinbefore limited, of their intention to assume the ownership of the railway and all real property purchased and owned in fee simple, and personal property in connection with the working thereof, assume the ownership of the same, on payment of the value thereof to be determined by arbitration under the provisions of *The Municipal Act* and *The Act respecting Arbitrations and References*, but in determining such value the franchise hereby granted, shall not be considered an asset of the said Company. Provided that in case the said Council fails to exercise the right of assuming the ownership of the railway at the expiration of said period, the Council may exercise such right at the expiration of any fifth year thereafter upon giving a previous one year's notice to the Company of such intention, and the privilege of the Company shall continue until the ownership is assumed by the Council.

19. It is hereby agreed by and between the said Council and the said Company, their successors and assigns, that the said Company shall commence the construction of said railway or tramway, and have the same completed and in operation not later than the 8th day of April 1895, (except the road herein called Queen Street and south of Queen Street.)

20. Notwithstanding anything in this indenture to the contrary contained the said Council reserves to itself the right to construct sewers and to grant, cede or consent to any other company, persons or corporations the privilege to construct sewers and maintain and lay down water and gas pipes or other public works across and along said streets and to construct and operate a railway or railways or tramway or tramways across the said streets, at such point or points on said street as said council may see fit in as ample a manner as if this agreement had not been entered into. And the said Company their successors and assigns, hereby consent to the construction and operation of said railway or tramway line or lines across the said street without claim, let, charge, molestation or hindrance of any kind whatsoever.

21. No motive power other than electricity shall be used on said street railway without the consent of the Council

22. The engineer may appoint an inspector to assist in overseeing the construction of said roadway.

23. It is hereby agreed by and between the parties hereto, for themselves, their successors and assigns, that wherever in this agreement any matter or thing is to be done or performed
subject

subject to the permission, consent, concurrence or direction of the said Council, such permission, consent, concurrence or direction shall be sufficient if given by such officer or committee as may be appointed for that purpose by the said Council or by any committee thereof authorized to make such appointment, subject to the approval of the said Council, and the services of any professional officer or officers (or any inspector appointed by said engineer) appointed by virtue hereof shall be paid for by the said Company when the said work is performed.

24. That the said Company, their successors and assigns, shall be subject to all by-laws of the said township of York now in force, or that may be hereafter passed in respect of highways.

25. In the event of any of the existing bridges, culverts, cuts and fills on the said streets or any of them, not being of sufficient strength and width for the purpose of such railway, the said bridges, culverts, cuts and fills shall if necessary, be strengthened and widened by the Company to the satisfaction of the township engineer and the Council, at the proper costs and charges of the said Company, their successors and assigns.

26. The said Company shall not without the consent of the Council, transfer or sell any portion of the franchise granted hereby, except the whole of such franchise is so sold or transferred.

27. The Company shall cause the persons in charge of the motors or cars of said Company to sound and keep sounding upon said motors or cars, a gong when approaching street crossings or approaching or overtaking persons driving or riding upon said highway for a distance of at least one hundred yards before reaching such street or persons. The Company shall as the same are reached also cause the names of the streets and post offices to be announced to the passengers in said motors or cars. The Company shall also cause the said motors and cars to be in all cases stopped clear of such streets or post offices, and the motors and cars to be used upon said railway or tramway shall be kept clean inside and outside by the said Company.

28. The privilege hereby granted which is an exclusive privilege, and the permission hereby given, or intended so to be, are such privileges and permission only as the Council have power to grant. The exclusive privileges referred to shall not extend to the erection of poles or electric lighting.

29. The said Company, their successors and assigns, shall, during the continuance of this agreement, at such times as the cars are in operation, at their own costs and expenses, light, or cause to be lighted, said Ellis Avenue, by three electric arc lights of 1,200 candle power each, to be located at such points as may be approved of by the Council.

30. The said Council shall not be liable to pay the whole or
any

any part of the cost and expense of erecting and maintaining any gates and all other protection now necessary and which may hereafter become necessary to enable said Company to affect a crossing of any other street or street railway or other railway, now or hereafter to be constructed.

31. The said Company shall pay to the said Council all costs and expenses to which they may be put or occasioned by reason of any litigation occasioned by the default or negligence of the Company.

32. The Company shall not interfere with the water pipes now upon said Ellis Avenue, and any damage which may arise to said pipes, by or on account of the construction and operation of said railway, shall be paid by the Company to the Council so soon as the same shall be ascertained.

33. It is distinctly understood and agreed that nothing in this agreement contained shall in any way be held or construed to alter, amend or limit the agreement between the parties hereto, dated the 20th day of April, A.D. 1891.

In witness whereof the said Council have caused their Corporate Seal to be hereunto affixed and the Reeve and Clerk have set their respective hands, and the said Company have signed, sealed and delivered this Indenture the day and year first above written, and the President or Vice-President and Secretary thereof have set their respective hands and seals on behalf of the said Company.

(Sgd.)

Signed, sealed and delivered

in the presence of

WILLIAM JACKES.

S. T. HUMBERSTONE,

Reeve.

W. A. CLARKE,

Clerk.

Seal,
Township of
York.

Davenport Street
Railway Co.,
Limited.

(Sgd.) R. H. FRASER,

Secretary.

Seal,
Davenport
Street
Railway Co.

SCHEDULE C.

(Section 6.)

This indenture, made this first day of February, in the year eighteen hundred and ninety-three, between The City and Suburban Electric Railway Company, Limited, a Street Railway Company and Corporation, duly incorporated and organized under the laws of the Province of Ontario, and hereinafter called the Company, party of the first part, and The Trusts Corporation of Ontario, a Corporation duly incorporated and organized under the provisions of chapter 157 of the Revised Statutes of Ontario, 1887, entitled, "*The Ontario Joint Stock Companies' Letters Patent Act*," and hereinafter called the Trustee, party of the second part.

Witnesseth :—

Whereas the Company is authorized by its letters patent of incorporation of the Province of Ontario, to (subject to *The Street Railway Act*) construct, operate and maintain a double or single iron railway with all the rights, powers and privileges mentioned in the said *Street Railway Act*, with operations of the said Company to be carried on in the City of Toronto, Town of Toronto Junction and Townships of York and Etobicoke.

And whereas the Company has a contract with the Town of Toronto Junction, according it the right to construct and operate a line of electric street railway, and has the exclusive right within the limits of Toronto Junction, to construct and operate any street railway for the period of twenty years, from the fifth day of October, eighteen hundred and ninety-one (1891), except on the following streets, viz:—those portions on which the Davenport Street Railway Company have a right to operate under an agreement with the said Town of Toronto Junction, dated the eighth day of June, A.D. 1891, being Davenport Road, Weston Road, from Davenport Road to St. Clair Avenue; and St. Clair Avenue, from Weston Road to the western limit of the said town.

And whereas the Davenport Street Railway Company, Limited, a Street Railway Company and Corporation, duly incorporated according to the laws of the said Province of Ontario, is authorized by its letters patent of incorporation, to (subject to the provisions of *The Street Railway Act*, and with all the rights, powers, and privileges contained in the said Act, and subject to the necessary agreements to be from time to time entered into by the Company, with the municipal corporations, companies and individuals interested and concerned, or any of them) (a) construct, maintain, complete and operate, and from time to time remove and change as required, a double or single iron railway with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles.

adapted

adapted to the same upon and along such of the streets in the municipalities of the said city of Toronto, the Townships of York and Etobicoke, the said Town of West Toronto Junction and the Village of Weston, as the Councils of the said municipalities, or any of them, may, by by-law authorize, and over and upon lands purchased or leased by the Company for that purpose, and to take, transport, and carry passengers upon the same, and to construct and maintain all necessary works, buildings, appliances and conveniences, and (b) if required, to generate, produce and distribute electricity to be used as a motor power and for lighting and heating the company's property and for street railway purposes only, and has by contract with the township of York and with the town of Toronto Junction, acquired the right to construct and operate street railways on the following streets, to wit :—that part of Davenport road from its intersection with the northern limit of the city of Toronto westerly to the easterly limit of the town of Toronto Junction, that part of Bathurst street between the said Davenport road and the northerly limit of the city of Toronto, that part of St. Clair avenue lying west of the westerly limit of the town of Toronto Junction and Davenport road, King street from Davenport road to St. Clair avenue, and St. Clair avenue from King street to the western limit of the said town.

And whereas said Company, party of the first part, has constructed an electric street railway line on the following streets in Toronto Junction, together with power-house, steam and electric plant, cars and other such plant and equipment as is necessary to maintain and operate the same, and does now maintain and operate the same on the said streets, to wit :—Keele street from St. Clair avenue to Dundas street, Dundas street from Humberside avenue to Lansdowne avenue, Humberside avenue from Dundas street to Glendonwynne road, Glendonwynne road to Glenholme Drive, along Glenholme Drive to Fairview avenue, Fairview avenue to Louisa street, Louisa street to Lansdowne avenue, Lansdowne avenue to Dundas street, and has acquired and purchased the line of road for an electric street railway constructed by the said Davenport Street Railway Company (Limited), on Bathurst street, from the crossing of the Canadian Pacific Railway track to St. Clair avenue and westward along Davenport road to King street, and on King street from Davenport road to St. Clair avenue, and along St. Clair avenue to the Junction with the said road of the company, party of the first part, together with all the rights, franchises and privileges possessed by the said Davenport Street Railway Company in and over the said roads and streets, and all the franchises, rights and privileges of the said Davenport Company, under their contracts with the said township of York and town of Toronto Junction, on said streets, together with all the electric and other appliances, rolling stock and property connected with and incidental thereto, and now maintains and operates the same in connection with and as a part of their system.

And whereas the said Company, party of the first part, have by law and by Act of the Legislature of the Province of Ontario, being the Act chapter 97 of the Statutes of the said Province of Ontario, passed in the fifty-fourth year of Her Majesty's reign, the right to issue its bonds and to create a bonded indebtedness for a sum of twenty thousand dollars per mile on the line of railway operated and owned by it ;

And whereas the said Company, party of the first part, owns, operates and controls, on the streets and lines aforesaid, more than seven miles of electric railway, with all the plant of every description and rolling stock necessary therefore ;

And whereas the stockholders of the Company, party of the first part, at a general meeting thereof duly called and held for considering the same, by a vote of not less than two-thirds in value of the said shareholders then present in person or by proxy, have sanctioned and passed a by-law authorizing the directors of the Company to borrow money upon the credit of the Company for the purposes of the Company, and that the Company do make, issue and deliver from time to time as the directors of the Company may see fit, and for the purposes of raising money for the purposes of the Company, its certain bonds, not to exceed in the aggregate the amount of one hundred and forty thousand dollars, such bonds to be dated the first day of February, eighteen hundred and ninety-three, and to be payable in lawful gold coin of the present standard on the first day of February, nineteen hundred and twelve (1912) with interest thereon in like gold coin at the rate of six per cent. per annum, payable semi-annually on the first days of February and August in each year, the first being payable on the first day of August, eighteen hundred and ninety-three (1893), and to have annexed interest coupons for each instalment of interest, such bonds to be authenticated by the certificate endorsed thereon by the Trustee under the mortgage securing the same ;

And whereas the said stockholders at the said meeting did formally and legally resolve that for the purpose of securing the payment of the principal and interest of each and all of said bonds, which should be issued to the holders thereof ratably and without discrimination, preference or priority, and according to the tenor and effect of the said bonds, that the Company should make, execute, acknowledge and deliver a deed of mortgage and trust to the Trustee, party of the second part, nominated as the Trustees hereunder for taking this mortgage deed in trust as a security for the holders of the said bonds, and who, by its execution hereof has signified its acceptance of this trust, conveying to the said Trustee all the property, real and personal, of the Company, acquired and to be acquired, with the appurtenances and all the rights and privileges and franchises pertaining thereto, now owned and hereafter to be acquired, and which shall hereafter be owned and acquired by the said Company, such mortgage and deed of trust

trust not to be understood or taken to be in substitution for the statutory lien of the holders of the said bonds, but such lien, shall, notwithstanding these presents, be and continue in full force and effect, which said mortgage deed of trust shall be in substantially the form presented at the said meeting and made a part of said resolution, and that the president and secretary of the Company, on its behalf, do make and execute all such bonds, to make, execute, acknowledge and deliver such mortgage and deed of trust to the said Trust Company, as Trustees, which said bonds are in the following form, to wit:—

Province of Ontario,

Dominion of Canada.

THE CITY AND SUBURBAN ELECTRIC RAILWAY CO. (LIMITED).

No.

\$500.

First Mortgage 6 per cent. Coupon Bond.

Incorporated under chapter 157 of the Revised Statutes of Ontario, and 54 Vict., chapter 97 (Ontario).

The City and Suburban Electric Railway Company (Limited), hereby acknowledge to owe and promise to pay to the bearer hereof on the first day of February, nineteen hundred and twelve, at the office of the said Trustee, in the city of Toronto, five hundred dollars in lawful gold coin of the present standard with interest, in the meantime, payable at the same place half-yearly in like gold coin at the rate of six per centum per annum, upon presentation of the proper coupon for the same hereunto annexed, on the first days of February and August in each year.

This bond is one of a series of bonds of like amount and of like tenor herewith, numbered consecutively from one to two hundred and eighty inclusive, and amounting in the aggregate to the sum of one hundred and forty thousand dollars, and is secured by a first mortgage deed of trust dated the first day of February, eighteen hundred and ninety-three, duly executed and delivered by the said the City and Suburban Electric Railway Company (Limited) to the Trusts Corporation of Ontario, as Trustees for the holders of the said bonds, and conveying to the said Trusts Corporation and their successors in the trust, all the undertaking and real and other property of the company including its rolling stock and equipment.

This bond shall not become obligatory upon the City and Suburban Electric Railway Company (Limited), until the certificate endorsed hereon is signed on behalf of the trustees by their manager.

This bond may be registered in the books of the company at its office in Toronto or at such other place as the company
may

may open books for that purpose, after which no transfer, except upon the books, will be valid. A transfer in favor of bearer may subsequently be registered, after which the bond will be transferable by delivery alone until again registered in the name of the holder. The registry of the bond shall not affect or restrain the negotiability of the coupons by delivery merely.

In witness whereof the said company has hereunto set its corporate seal, attested by the signature of the president and countersigned by the secretary at the head office of the company, in the city of Toronto and Province of Ontario, this first day of February, one thousand eight hundred and ninety-three, and the company has also caused the signature of its secretary to be affixed to the coupons attached to this bond pursuant to the terms of a by-law passed by the directors and duly sanctioned by the shareholders at a meeting of the company specially called for that purpose.

(Countersigned)

President."

[SEAL]

Secretary.

FORM OF COUPON.

No.

The City and Suburban Electric Railway Co. (Limited) will pay the bearer on the sixteenth day of _____, 189 , the sum of \$ _____, lawful money of Canada, at the _____
Toronto, being six months interest on bond No. _____
due _____ 189 .

Secretary.

FORM OF TRUSTEES' CERTIFICATE.

This bond is one of the series of bonds within mentioned, numbered consecutively from 1 to 280 inclusive, and amounting in the aggregate to \$140,000 lawful money of Canada, the payment whereof and of the interest thereon is equally secured by a certain deed of mortgage bearing date the first day of February, 1893, duly executed by the City and Suburban Electric Railway Company, Limited, and delivered to and now held by the undersigned, the Trusts Corporation of Ontario as Trustee, and which deed of mortgage conveys to the said Trustee by way of mortgage the undertaking, property and revenue of

of the Company and its railway constructed or acquired, or hereafter to be constructed or acquired, and the holder thereof is entitled to the benefit of the trusts thereby created.

Whereas it was also resolved at the said meeting that each of said bonds should be for the amount of five hundred dollars, making two hundred and eighty in all;

Now therefore, in consideration of the premises and of the sum of one dollar to the said company paid by the Trustee, the receipt whereof is hereby acknowledged, and in order to secure the due and punctual payment of the principal and interest of all the bonds issued hereafter and at any time outstanding, whether issued contemporaneously with the issue of this mortgage or hereafter duly issued under the terms hereof, the said company has granted, bargained, sold, conveyed, transferred, assigned and delivered and does hereby grant, bargain, sell, convey, transfer, assign and deliver unto the said Trusts Corporation of Ontario, the Trustee aforesaid, its successors and assigns, the street railway owned by the said railway company in the township of York and in the town of Toronto Junction, viz.: on Keele Street from St. Clair Avenue to Dundas Street, Dundas Street from Humberside Avenue to Lansdowne Avenue, Humberside Avenue from Dundas Street to Glendonwynne Road, Glendonwynne Road to Glenholme Drive, along Glenholme Drive to Fairview Avenue, Fairview Avenue to Louisa Street, Louisa Street to Lansdowne Avenue, Lansdowne Avenue to Dundas Street, Bathurst Street from the northern limits of the Ontario and Quebec Division of the Canadian Pacific Railway to Davenport Road, thence westerly to King Street, northerly along King Street to St. Clair Avenue, westerly along St. Clair Avenue to Keele Street, together with all the sidings, turnouts, switches and turn tables now connected with any of said railway, and all stringers, ties, rails, frogs and other appurtenances now or hereafter belonging to any of said railways, sidings, turnouts, switches or turn tables, and also all and singular the right, title and interest of the said street railway company, of every kind and nature in and to its lines of street railway in the town of Toronto Junction and in the said township of York, including as well that portion thereof as may be hereafter constructed as that which is now constructed, and all charters, franchises, privileges and immunities now owned or possessed or acquired by it or to be hereafter acquired by it from any town or municipality or county, or from any source whatever, including its rights as a corporation, and that all contracts, leases, licenses and choses in action of every kind and nature whatsoever, and all equipment of the railway constructed or intended to be constructed and operated by said Company, including all cars as well as horses, harnesses, house, office, station and depot, furniture, engines, machinery, electrical plant and apparatus or other motive power, fixtures of every kind, tools and implements, dynamos, base frames, dynamo regulator, ampere metres, volt metres, wire connections, trolleys and trolley

ley attachments, poles, wires and generally all other goods and chattels pertaining to the proper equipment and operation of the business of the said Company, or which may hereafter be purchased or acquired by it, together with all lots, buildings and real property whatsoever, and all steam plant, engines, boilers and machinery now owned and possessed by the said Company, and which may hereafter be acquired by it, and particularly the lots of land described as follows :

All and singular that certain parcel or tract of land and premises situate, lying and being in the town of Toronto Junction, in the county of York, and being composed of lot lettered B, as shown upon plan number 1127, registered in the registry office for the county of York, excepting thereout and therefrom a certain portion of the said lot which may be described as follows, that is to say : all that portion of said lot B, lying easterly of the easterly limit produced in a straight line of a lane known as Brown's Lane, as shown on a plan of subdivision of part of lot 35 in the second concession from the Bay, in the township of York, registered in the Land Titles Office at Toronto as plan M 160, which said excepted portion may be more fully described as follows : Commencing at a point in the northerly limit of said lot B, where the easterly limit of the said Brown's Lane meets the northerly limit of said lot B ; thence on a course south eighty-two degrees fifty-six minutes east nineteen feet, to an angle thence south fifty-one degrees eighteen minutes east fifty-seven feet two inches to a point in the northerly limit of lot C ; thence south seventy-nine degrees fifty-four minutes west to a point in the southerly limit of said lot B, where the easterly limit of the said Brown's Lane would if produced in a straight line intersect the said southerly limit of said lot B ; thence northerly along the easterly limit of the said Brown's Lane produced as aforesaid, to the place of beginning, Saint Clair Avenue, at north seventy-four degrees east, being taken as the governing line. Also,

All and singular that certain parcel or tract of land and premises situate, lying and being in the township of York, in the county of York, and being composed of lots numbers ten and eleven according to Plan No. M. 160, filed in the office of Land Titles at Toronto, and more particularly described by metes and bounds as follows, that is to say : Commencing at the north-westerly angle of said lot number eleven ; thence easterly along the northerly limits of lots numbers eleven and ten eighty feet eleven inches, more or less, to the north-easterly angle of lot number ten ; thence southerly along the easterly limit of lot number ten one hundred and sixty-nine feet two and one-half inches, more or less, to the south-easterly angle of said lot number ten ; thence north seventy-four degrees east thirty feet seven inches, more or less ; thence north thirty-four degrees fifty-eight minutes west thirty-seven feet eight and three quarter inches, more or less ; thence north forty-nine degrees seven minutes west fifty-three feet ten inches, more or less

less, to the south-westerly angle of said lot number eleven; thence northerly along the westerly limit of said lot number eleven eighty-eight feet seven inches, more or less, to the place of beginning, being a sub-division of parcel number 286 West Section township of York, to have and to hold all and singular the above-mentioned property and franchises hereby conveyed, or intended to be conveyed, and all the other premises hereinbefore expressed to be conveyed with their appurtenances unto the Trustee and its successors and assigns in trust and for the *pro rata* benefit of all holders of bonds duly issued under this deed of mortgage, and to secure the payment of the principal and interest of all such bonds according to their terms and the terms of this mortgage without any preference, privilege or priority of one bond over another and for the uses and purposes hereinafter expressed; provided, however, that if the company shall pay the principal and interest of all of said bonds according to their terms and the terms of this mortgage, all the estate, title and interest of the Trustee in said railways and other property, and all lien created by this mortgage shall cease, determine and become void, and all the property, rights and franchises herein granted shall revert to and revest in the said Street Railway Company; and in such case the Trustees shall, upon request, execute and deliver a formal discharge thereof, the said Street Railway Company to pay the costs and expenses thereof and all expenses of this mortgage.

It is further provided that until default shall be made by the Company in the payment of principal and interest of any of said bonds hereby secured, or until default shall be made in respect to some act or thing, obligation or agreement herein required to be done, performed or kept by it, the Company shall be permitted to possess, manage, operate, use and enjoy the said railways and other property, and the equipment and appurtenances and the said rights, privileges and franchises, and to take and use the tolls and incomes, revenues, rents, issues and profits thereof as if this mortgage had not been made.

The said bonds shall be issued by the Company and held by the owners, and the said mortgage property and franchises shall be held by the Trustee, its successors and assigns upon and for the following trusts, uses and purposes, viz.:

1a. The Company agrees to pay said principal sums of money mentioned in the said bonds issued hereunder, together with the semi-annual interest to become due thereon according to the terms thereof and of this mortgage, without deduction from principal or interest for any taxes, assessments or governmental or other charges legally imposed on the mortgaged property or franchises, the Company hereby agreeing to pay the same, all at the times and in the manner and at the places herein and therein specified, and that such bonds shall be issued to an aggregate amount not exceeding one hundred and forty thousand dollars.

2a. The Company further agrees that it will, at all times hereafter, pay and discharge all taxes and assessments which are or may hereafter be lawfully assessed or imposed upon the said property or franchises, at any time or times when the said taxes or assessments shall be respectively due and payable; and will not suffer any lien superior to the lien of this mortgage to attach to any part of said property or franchises, and will not suffer any waste thereof. Should the Company fail to pay any such tax, assessment or other charge, or suffer any lien to attach, the Trustee may at its option and if it sees fit pay and discharge the same, and may add the amount of any such payments to the bonds hereby secured, and the same shall bear interest at the rate of six per cent. from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on said bonds, with the right to the Trustee, in case of such failure on the part of the Company to pay the said taxes, assessments, charges or attaching liens, to realize the amount necessary to pay and discharge the same by the proceedings and remedies and upon like authorization hereinafter provided as in case of default in the payment of the interest upon the said bonds, provided however that the Trustees shall not be bound themselves to advance the moneys necessary for the making of any of such payments.

The Company agrees to keep the buildings erected and to be erected upon the lands above mentioned and all the works thereon or appurtenant thereto, and the horses, mules, motive power and equipment at any time covered by this mortgage, insured against loss or damage by fire, by reputable insurance companies, to an amount not less than two-thirds of the cost of the property insured, and to assign the policy or policies thereof to the Trustee as further security for the bonds issued thereunder; and, in default thereof, it shall be lawful for the Trustee to effect such insurance and pay the premiums therefor, and the premiums paid for effecting the same shall be a lien on the said property and be forthwith due and payable by the Company. The proceeds of any such policy of insurance shall be applied, under the direction of the Trustee, to the replacement and reconstruction of the destroyed or damaged property, or otherwise for the benefit of the mortgaged property, with the right always to the Trustee, if it shall deem proper, in case of any loss, to apply to the bondholders for directions or advice respecting the application of the proceeds of any policy of insurance or for directions or advice generally in such a case, and to call a meeting of the bondholders for such purpose and take all proper and necessary steps in that behalf.

The Company further agrees properly to maintain all property at any time covered by this mortgage, repairing, renewing and replacing the same, as may be necessary, and to keep the railways and electric plants covered hereby supplied with sufficient equipment and motive power, and properly to operate the same and preserve the rights, privileges and franchises relating thereto, except as hereinafter provided.

Upon

Upon the execution and recording of this mortgage the Company shall execute and deliver to the Trustee the full number of the bonds authorized to be issued hereunder, amounting at par to one hundred and forty thousand dollars, with all coupons thereto belonging.

The Trustee shall thereupon certify and return to the Company the said bonds for the purpose of being applied, held and disposed of by the directors, with all coupons thereto belonging; and the receipt therefor of the president of the Company shall be full acquittance and authority to the Trustee for such certification and delivery, and the directors of the Company may issue, sell or pledge the said bonds at or for the best price or sum as the case may be, and upon the best terms and conditions which at the time they may be able to obtain for the purpose of the said undertaking.

3a. The title to the bonds issued hereunder, and all the rights and benefits arising thereupon, shall pass by delivery, or at the option of the owner, by registration and transfer as hereinafter provided, as to the payment of the principal thereof, but not of the interest thereon.

Any of the said bonds may be registered on books to be provided for that purpose, at the office of the Company in the town of Toronto Junction, on application by the owner thereof, in person or by attorney, and presentation of such bonds at the said place for such purpose, without charge to the bondholder therefor.

After such registration as to the payment of the principal, such principal shall be payable only to the registered owner of such bonds, unless or until such bonds are transferred on said books to bearer; but such registration as to the payment of the principal shall not restrain the negotiability of the coupons by delivery. After such registration as to the payment of the principal, such bonds shall be transferrable only in writing upon said books by the registered owner or his attorney, either to a registered owner or to bearer; and such registration and transfer shall be noted by endorsement in writing upon such bonds by the duly appointed registrar or transfer agent of the Company; and such bonds shall continue subject to successive registrations and transfers to bearer, at the option of the owner.

Any bond hereby secured may be surrendered to the Company by the holder thereof, and upon his request a registered non-transferrable certificate of such bond, containing the description and particulars thereof, shall be issued to him in its place and stead. And thereafter, upon production of such certificate, he shall from time to time receive the interest accrued upon such bond when due, and the principal thereof at maturity, and shall be entitled to all the rights, privileges and remedies of a bondholder. And upon the surrender of such certificate he shall be entitled to have such bond returned to him on demand.

4 In case default shall be made in the payment of any investment of interest on any of the bonds issued hereunder, and shall

shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, then, provided that a majority in interest of the holders of all said bonds issued hereunder and then outstanding, do in writing or by a vote of such majority at a meeting duly held as herein provided, at any time after such default, declare or instruct the Trustee in such case to declare that, upon the expiration of said period after such default and demand, the said principal shall become immediately due and payable as aforesaid, the same shall thereupon become immediately due and payable; or such majority may, in like manner, at any time after such default, waive or instruct the Trustee to waive the right so to declare, or may direct the Trustee to refrain from making such election or declaration, on such terms and conditions as such majority may deem proper, and may annul or reverse the previous election made or action taken by the Trustee in that behalf, whereupon said principal sum shall immediately cease to be due and payable; provided always, and it is hereby declared, that no such action of the Trustee or bondholders shall extend to or be taken to affect any default in the payment of subsequent instalments of interest on any of said bonds, or to impair the rights resulting from such subsequent default.

5. In case default shall be made in the payment of any interest on any of the bonds issued hereunder, and shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, or in case default shall be made in the payment of the principal of any of said bonds, then and in any and every such event, upon a requisition in writing, signed by the holders of not less than one-third in amount of the said bonds then outstanding, and upon adequate indemnity against all costs, expenses and liabilities to be by the Trustee incurred, it shall be lawful for and it shall be the duty of the Trustee, personally or by its attorneys or agents, to enter into and upon all and singular the said property, rights and franchises then covered by this mortgage, and each and every part thereof, and to exclude the Company and its agents wholly therefrom (who shall forthwith surrender the same to the Trustee), and to have, hold, manage, operate, control and use the same, either personally or by its superintendents, managers, receivers, agents, servants or attorneys, and conduct the business thereof, and exercise the franchises pertaining thereto; to make, from time to time, at the expense of the trust estate, all repairs and replacements, and such useful alterations, additions and improvements thereto as may seem to it to be necessary or judicious; and to collect and receive all income, rents, issues and profits of the same, and of every part thereof; and after deducting the expenses of operating said property and conducting the business thereof and of all repairs, replacements, alterations, additions and improvements as aforesaid, and all payments which may be made for

for taxes or assessments, if any, prior to the lien of this mortgage upon the property, or any part thereof, as well as a just and reasonable compensation for its own services and for the services of all agents, clerks, servants or other employees by it properly engaged or employed, to apply the moneys arising as aforesaid to the payment of the interest in arrear, or which shall fall due on the outstanding bonds secured hereby in the order in which such interest shall have become due and payable, ratably to the persons entitled to such interest, and after paying all such interest which shall have become due and payable, to apply the said moneys to the satisfaction of the principal of the aforesaid bonds which may be at that time due and unpaid, if the principal shall have become due and payable as herein provided, ratably, without discrimination or preference; provided, that if, after such entry, the arrears of interest shall be fully discharged out of the net income of such property, and if such principal shall not have become so due and payable, then the Trustee shall restore said property to the Company to possess, manage, operate and enjoy the same in like manner as before such entry, but without prejudice to the right of the Trustee to enter, as herein provided, for any subsequent default.

6. In case default shall be made in the payment of any interest on any of the bonds issued hereunder, and shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, or in case default shall be made in the payment of the principal of any of said bonds when the same shall become or be declared due and payable as in this mortgage provided, or in case default shall be made in the performance of any covenant, agreement or stipulation herein contained on the part of the company to be kept or performed, then, and in either or any and every such case, it shall be lawful for the Trustee, and upon a requisition in writing, signed by the holders of not less than one third in amount of the said bonds then outstanding, and adequate indemnity against all costs, expenses and liabilities to be by it incurred it shall be the duty of the Trustee to proceed to enforce the rights and liens of the bondholders under this mortgage either by foreclosure or by any other appropriate proceeding in any proper court, by way of remedy, as the Trustee, being advised by counsel learned in the law, shall deem most effectual to enforce such rights, or as such requisition may specify; and it is further provided and by and on behalf of the Company it is agreed that in addition to the other powers herein conferred upon the Trustee and the bondholders to enable them to enforce payment of the said bonds and interest and as a cumulative remedy they shall have the following rights and powers, that is to say;—In case default shall be made in the payment of interest on the said bonds or any of them as aforesaid and shall continue as aforesaid for the period of one year thereafter or in case default shall be made in the payment of the principal of the said bonds or any
of

of them or any part thereof when the same shall respectively become due and payable either according to the tenor thereof or by virtue of the provisions herein contained and shall continue for a period of one year thereafter, it shall be lawful for the Trustee after such entry as aforesaid, or after other entry or without entry personally or by its attorneys or agents to sell and dispose of the said railway and all and singular the property rights and franchise hereinbefore expressed to be conveyed and which shall be then subject to the lien of the presents at public auction in the city of Toronto in the Province of Ontario, and at such time as the Trustee shall appoint, having first given notice of the time and place of such sale by advertisement published not less than once a week for one month in one or more daily newspapers published in the city of Toronto, and after such notice it shall be lawful for the Trustee to make such sale with or under any special conditions as to upset price, reserved bid or otherwise or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereunder which may be prescribed or authorized by the bondholders in the manner hereinafter provided, also with power to rescind or vary any contract of sale that may have been entered into thereat and resell with or under any of the powers herein. And the Trustee may stop, suspend or adjourn such sale from time to time in its discretion, and if so adjourning, make the same with or under any of the powers herein, after one month's notice thereof published as hereinbefore provided, at the time and place to which the same shall be adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale made as aforesaid, shall be a perpetual bar against the Company and its assigns and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the Company or its assigns. And after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorney's and counsel's fees, and all other expenses, advances or liabilities, including premiums of insurance, if any, which may have been made or incurred by the Trustee in operating or maintaining the said railway and premises or in managing the business thereof, and all payments by it made for taxes or assessments, and for charges and liens, if any, prior to the lien of these presents on the said premises or any part thereof, as well as reasonable compensation for its own services, and any other expenses or charges referred to in article 7, it shall be lawful for the Trustee, and it shall be its duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding without discrimination or preference as between principal and accrued and unpaid interest or as between the holders of said bonds or of any coupons issued therewith but equally and rateably and to all such bond and coupon

coupon holders, and if after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the Company or its assigns. And it is hereby declared and agreed that the receipt of the Trustee shall be sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt, such purchaser or purchasers shall not be obliged to enquire into the application of such purchase money upon or for the trusts or purposes of these presents or be in any manner whatsoever answerable for any loss, misapplication or non application of such purchase money or of any part thereof, nor shall he or they at any time be obliged to enquire into the necessity, expediency or authority of or for any such sale; subject to the power, hereby declared, of a majority in interest of the holders of said bonds then outstanding, in writing, or by a vote of such majority at a meeting duly held as herein provided, to instruct the Trustee to waive any such default; provided, that no action of the Trustee or of the bondholders in waiving a default, shall extend to, or be taken to apply to, or affect, any subsequent default, or impair the rights of the Trustee or of the bondholders resulting from such subsequent default. It being understood, and it is hereby expressly declared, that the rights of entry and sale hereunder granted are intended as cumulative remedies, additional to all other remedies allowed by law, and that the same shall not be deemed in any manner whatsoever to deprive the Trustee, or the beneficiaries under this trust, of any legal or equitable remedy by judicial proceedings, according to the true intent and meaning hereof. The right to take proceedings for the foreclosure of this mortgage is vested exclusively in the Trustee, provided that the Trustee shall take such proceedings within a reasonable time after the making of such requisition and offer of such indemnity as aforesaid.

If the Company shall make default in paying the principal of or interest on any of the said bonds at the time when the same by the terms of the bond or under any of the provisions herein contained becomes due and payable, then at the next annual general meeting of the Company and at all subsequent meetings all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held full paid up shares to a corresponding amount, but such right shall not be exercised unless the bond in respect of which the holder thereof claims to exercise such rights has been registered in his name in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds and thereafter any transfers thereof in the same manner as shares or transfers of shares, but the exercise of the rights
given

given by this article shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of this mortgage deed or otherwise howsoever.

It is further provided, and by and on behalf of the Company it is agreed, that, in case the Trustee shall deem it advisable for the interest of the bondholders to resort to judicial proceedings to foreclose this mortgage deed of trust or to sell the said railway and property, then, and in that case the trustee on any default may proceed in any court having jurisdiction in the Province of Ontario to foreclose the same and enforce a sale of such railway and property by judicial process, to pay the whole amount of said bonds not previously redeemed, together with the accrued interest thereon, in the same manner as though said bonds were all due and payable by the terms thereof, which sale shall be absolute and without redemption, and shall be a perpetual bar to all right or claim whatever of the Company of, in and to said railway and property and every part thereof; absolute and perfect title may be made to the purchaser or purchasers at said sale in and to said property so sold under judicial proceedings as provided for herein.

And it is hereby provided, declared and agreed that the remedies in this indenture provided for the payment or enforcing payment of the principal and interest of the said bonds and the remedies for any and all other default or defaults shall be in the alternative, and that the Trustee shall have the right upon any default to take and institute such remedy or remedies as it shall be by counsel learned in the law advised.

7. It is hereby further provided, declared and agreed that in case any foreclosure or other sale shall be made of the property and franchises in execution of the provisions of this mortgage, the purchaser or purchasers at such sale shall be entitled, in making payment of the purchase price, to turn in and use any of the bonds and coupons secured by this mortgage then matured and unpaid towards the payment of said purchase price, reckoning said bonds and coupons for that purpose at a sum equal to and not exceeding that which would be payable out of the net proceeds of said sale to the holder or holders of such bonds and coupons so turned in, as his or their share thereof, upon a due accounting concerning such net proceeds and a due apportionment and distribution thereof, and after allowing for the proportion of payments which may be required by the court having jurisdiction of the foreclosure to be paid in cash for the expenses of the trust and of the sale or other purpose; but, if the amount which would be so payable, out of such net proceeds, upon such an accounting, apportionment and distribution to the holder or holders of such bonds and coupons so turned in be less than the amount for which the Company may be liable on such bonds and coupons, then the receipt endorsed thereon, under the supervision of such court, by the holder of such bonds and coupons for the amount to be allowed or credited thereon shall be sufficient as to such payment.

8. The Company, so long as there is no default in the payment of any interest or of the principal of any of the bonds secured by this mortgage, or in any of the agreements of the Company herein set forth, shall have the right to sell or otherwise dispose of, and may require from the Trustee all proper releases and discharges* for such sale or disposition, and to so sell or otherwise dispose of, free from any lien created thereby, any cars or other equipment, furniture, rails, boilers, dynamos, machinery, apparatus, tools or implements or other property, which shall become old, worn or unfit for use; and the Company shall, so long as there is no default as aforesaid, have the right, with the written assent of the Trustee, to abandon or dispose of, with like effect, any part of its railways or electric light or power lines or routes, and the rights and privileges pertaining thereto, upon the substitution therefor of a line of railway or electric light or power line or route, certified in writing by the President of the Company, duly authorized by the Board of Directors to be a preferable line, with appropriate rights and franchises, or upon the filing with the Trustee of a certificate, authorized and made in like manner, to the effect that such part of the Company's railways or lines, and the rights and privileges pertaining thereto, are unnecessary for the proper conduct of the Company's business. And the Company shall, so long as there is no default as aforesaid, have the right to sell or otherwise dispose of, free from any lien hereby created, the real property herein above described; and shall, further, so long as there is no default as aforesaid, have the right, with the written assent of the Trustee, to sell or otherwise dispose of any other real property, free from any lien hereby created. The Company shall apply the proceeds of the sale of property covered hereby to the replacement of the property sold, or otherwise, for the benefit of the mortgaged property. Any property substituted or acquired with the proceeds of any sale of property covered by this mortgage, and any railway, electric light or power station and plant, and any franchises substituted for any railway, electric light or power station and plant, and any franchises covered hereby, shall forthwith be subject to the terms of this mortgage, and shall, upon the written request of the Trustee, be conveyed by the Company to the Trustee, to be held upon the trusts hereby created.

9. The Company and the Trustee severally agree, upon reasonable request, to execute further instruments and to do such further acts as may be necessary or proper to carry out more effectually the purposes of this mortgage; and the Company agrees to execute, acknowledge and deliver to the Trustee, from time to time, all such deeds, conveyances and instruments as may be necessary or proper to place under the lien of this mortgage all additional properties, improvements, grants, rights, privileges, franchises, immunities and exemptions which the Company shall hereafter acquire.

10. The Company covenants that the property above described is, at the time of the execution and delivery of this mortgage, free from all former and other grants, titles, charges, estates, judgments, liens and encumbrances of whatever nature.

11. Meetings of the holders of bonds issued hereunder may be held upon the call of the Trustee or of the holders of one-fifth in amount of said bonds then outstanding, subject to the provision that the same shall be held at such place or places of meeting in the said city of Toronto, and at such time or times, and in such manner, and on such notice, and in all respects under and subject to such directions and regulations as shall be prescribed by the bondholders. Such meetings shall be held in the city of Toronto, and notice of the time and place, with a general statement of the purpose of the meeting, shall be given by publishing the same once a week for at least the two successive weeks immediately preceding the meeting in two newspapers, published in said city, and of good circulation in the business community thereof. Until the regulations in this paragraph mentioned for the meetings of bondholders hereunder shall have been prescribed by the bondholders as aforesaid, the Trustee shall have the right to require at any such meeting that, any resolution or act of the bondholders at such meeting which may require action on the part of the Trustee, or which shall affect in any manner the duties of the said Trustee or any of them, shall be authenticated by the signatures of the bondholders or persons assenting to such act or resolution. Any such meeting may be continued or adjourned from time to time, and holders of said bonds may attend and vote thereat in person or by proxy, each of said bonds entitling the holder or registered owner thereof to one vote; provided, that a majority in interest of the then outstanding bonds, in person or by proxy, shall be required to constitute a quorum at any such meeting, except that less than a quorum may adjourn from time to time; and provided, further, that any vote of such meeting affecting or intended to affect any person or corporation, including the parties hereto or their successors, may, by such person or corporation to be affected, be required to be authenticated under the hands of the persons so voting.

It shall be the duty of the Trustee, and it is hereby authorized, empowered and required, whenever and so often as any contingency or event shall occur in connection with which it shall be necessary that any action or power should be done or exercised by the bondholders under this deed, whether the same arise in the ordinary conduct of the affairs of the Company or in connection with any default, or otherwise howsoever, to call or cause to be held a meeting of the bondholders for the purpose of dealing with such contingency, or event, or matter necessitating the action of the bondholders. Such meeting may be called under such regulations as to notice as are provided in paragraph number eleven of this deed.

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Any bondholder present at any such meeting may require the ownership of bonds by the persons claiming to be such bondholders to be evidenced by the production of the bonds; and whenever, under any of the provisions of this mortgage, effect is to be given to the election, act, appointment or assent of a majority, or any specified amount or proportion of the bonds secured thereby, any person whose interests are to be affected by such action may require that the ownership of said bonds, at the time of such action by the person claiming to be such owner, shall be vouched for by the affidavit of such person, or his duly authorized agent or attorney having possession of the bonds, stating such ownership of the bonds at the time of such action, and giving their numbers and amounts, which affidavit shall be received as *prima facie* evidence of the fact, but subject to the question of its verity in any legal proceeding or controversy.

Any requisitions, requests, proxies, powers of attorney, or other instrument signed by bondholders, pursuant to any provision of this mortgage, may be in any number of parts, and shall be signed in the presence of a subscribing witness, such signing to be attested by the oath, affirmation or statutory declaration of such witness.

12. The word "Trustee," as used in this mortgage, shall be construed to mean the Trustee, party of the second part, or its successors or assigns; and such successors or assigns shall be vested with and shall be entitled to exercise all the rights, powers, property, estate and trusts hereby granted to, or conferred upon, the party of the second part hereto.

The Trustee shall not be liable for any mistake made by it in good faith, but only gross negligence or willful negligence or willful default in the discharge of its duties as Trustee; and it shall be entitled to reasonable compensation for all services by it rendered in the execution of the powers and duties herein provided for, and to reimbursement for its reasonable expenses incurred in the execution of the said trusts.

The Trustee or Trustees hereunder may take such legal advice and employ such assistance as may be necessary in its or their judgment to the proper discharge of its or their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by it or either of them in said trust, which compensation the Company hereby promises and agrees to pay, but, in case the Company should make default in such payment, the same may be retained by the Trustee out of any trust moneys coming into its hands.

13. If the Company shall well and truly pay the principal sums of money herein required to be by it paid, and all interest thereon, at the time and in the manner herein specified, and shall well and truly keep, perform and observe all the agreements and things herein agreed and required to be kept, performed and observed by it according to the true intent and meaning of this mortgage, then the estate, right, title and interest of the Trustee in and to the property, rights, privileges and fran-

chises covered by this mortgage, shall cease and determine, and this mortgage shall become void, and the said property, rights, privileges and franchises shall revert to the Company, its successors or assigns, without any conveyance of, or on the part of, the Trustee; but, nevertheless, upon the happening of said events, the Company, its successors or assigns, may require, and the Trustee shall be obliged to make, a reconveyance of said property, rights, privileges and franchises as evidence of such reinvestment of the title to the same in the Company, its successors and assigns, and to execute, acknowledge and deliver any instrument which may be necessary or proper to secure the cancellation of this mortgage and the discharge thereof from record; but otherwise the same shall be and remain in full force and virtue.

14. It is agreed between the Company, on behalf of the stockholders thereof, and the Trustee, on behalf of those who may become holders of the bonds secured hereby, that no recourse shall, directly or indirectly, be had to any present or future stockholder, director or officer of the Company under or by virtue of any present or future law, for the payment of any principal or interest of any of the said bonds, and that all of the said bonds are subject to the condition that whoever becomes the holder of any of said bonds waives, by the acquisition thereof, all such recourse.

15. And the Trustee hereby accepts the trusts created by this mortgage, and agrees that it will exercise the powers and duties herein set forth to the best of its ability, at the times, in the manner, and upon the contingencies and conditions herein mentioned; provided, however, that nothing herein recited shall be construed to prevent it from resigning and discharging itself from the trusts aforesaid and being relieved from all the duties of the said trust and all liability in respect thereof upon their application in that behalf after three months' notice thereof in writing to the Company and after a meeting of the bondholders shall have been called in order that the said resignation may be laid before them; provided that such resignation may be accepted by the bondholders upon such shorter notice than three months as a majority in interest of the bondholders may see fit to approve as a sufficient notice herein; and provided also that the said Trustee and any Trustee or Trustees appointed hereunder shall at the instance of the bondholders be removable from such office by the vote of the majority in interest of the bondholders passed at a meeting thereof and which vote shall be attested by an instrument in writing under the hands and seals of the persons or parties voting thereon respectively in person or by proxy, and in case of the removal, resignation or disqualification of the present Trustee or of any future Trustee under this deed a new Trustee shall be appointed by the board of directors for the time being of the said street railway Company, provided that notice thereof shall have been given by advertisement published at least twice a week for three successive weeks in

one newspaper published in the city of Toronto and in one newspaper published in Toronto Junction, or in two newspapers published in the city of Toronto and in the official gazette for the Province of Ontario, and unless a majority of interest of the registered holders of the said bonds then outstanding shall within thirty days from the date of such last publication make objection by an instrument or instruments in writing signed by them and delivered to the railway Company, the said appointment shall at the expiration of the said thirty days be considered as assented to and confirmed by the holders of the bonds secured hereby. In case such objection by a majority in amount of the registered holders of said bonds shall be so made as aforesaid the said Street Railway Company shall thereupon apply to a judge of the supreme Court of Judicature for the Province of Ontario or other court of competent jurisdiction to appoint instead such Trustee as such court shall see fit and at least ten days' notice of such application shall be given by mail to the registered bondholders to their addresses as appear on the books of the Company and notice of such application shall be given by one publication in the Ontario official *Gazette* and in one newspaper in the city of Toronto and in one newspaper in the town of Toronto Junction, or in two newspapers in the city of Toronto, such Trustee or Trustees so appointed shall have all the right and title and be clothed with all the power and shall be subject to all the duties herein mentioned in the same manner and to the same extent as if named in this mortgage as such Trustee or Trustees.

In witness whereof the parties hereunto have caused the respective seals of their companies to be affixed to this agreement and signed by the respective presidents and secretaries hereof.

The City and Suburban Electric Railway Company (Ltd.)

(Sgd.)	{	HENRY W. DARLING,	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> Seal. The City and Suburban Electric Railway Co. (Limited.) </div>
		<i>President.</i>	
		R. H. FRASER,	
		<i>Secretary.</i>	

The Trusts Corporation of Ontario.

(Sgd.)	{	J. C. AIKENS,	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> Seal. The Trusts' Corporation of Ontario. </div>
		<i>President.</i>	
		A. E. PLUMMER,	
		<i>Manager.</i>	

CHAPTER 95.

An Act respecting the Beechwood Cemetery Company of the City of Ottawa.

Assented to 5th May, 1894.

Preamble.

WHEREAS the Beechwood Cemetery Company of the city of Ottawa have by their petition prayed for an amendment to their Act of incorporation increasing the capital stock of their company, thereby enabling them to supply their grounds and premises with water, and to complete their system of drainage and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 V. c. 149,
s. 2, amended.

1. Section 2 of the Act passed in the 36th year of Her Majesty's reign, chaptered 149, is amended by striking out the word "fifty," in the sixth line of the said section, and substituting therefor the word "sixty."

CHAPTER 96.

An Act to amend the Act incorporating the Brockville Gas Light Company.

Assented to 5th May, 1894.

WHEREAS the Brockville Gas Light Company have, by Preamble. their petition, prayed that an Act may be passed amending the Act incorporating said company, passed in the 16th year of Her Majesty's reign, and chaptered 108, as amended by the Act passed in the 50th year of Her Majesty's reign, chaptered 84, by changing the name of said Company, authorizing the company to increase the amount of its capital stock and in other respects; and, whereas, it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company shall be, and the same is hereby changed to, "The Brockville Light and Power Company (Limited)," and the said Acts shall be read as if the said company were named and described therein by such name. Name changed to Brockville Light and Power Co. (Limited.)

2. It shall be lawful for the said company to add to their capital stock such sums that the said capital stock may equal, but not exceed the sum of \$250,000, and to raise such additional capital stock either by subscription among the present shareholders, or by the admission of new shareholders, or partly in one way and partly in the other way. Power to increase capital stock.

3. The said company may, by by-law, increase or decrease the number of its directors, but no by-law for such purpose shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting, duly called for considering the by-law, nor until a copy of the by-law has been certified under the seal of the company to the Provincial Secretary and also has been published in the *Ontario Gazette*. Notwithstanding anything in said Acts contained, a majority of the number of directors shall constitute a quorum for the transaction of business. Power to increase or reduce number of directors.

4. Section 35 of the said Act, passed in the 16th year of Her Majesty's reign, incorporating the said company, is repealed. 16 V., c. 108, s. 35, repealed.

pealed, and the said company is hereby declared to be, and to have been, a corporation and body politic and corporate, with a perpetual succession.

Application
of certain
sections of
Rev. Stat.
c. 164.

5. Sections 54 to 57 both inclusive and sections 98 to 106 both inclusive, of chapter 164 of the Revised Statutes of Ontario, and amendments thereto, are hereby expressly declared to apply to the said company, and for that purpose the said company shall be deemed and taken and held to be a company within the meaning and intent of said section 98, and as having been incorporated after the 10th day of March, 1882

CHAPTER 97.

An Act to incorporate The Georgian Bay Ship Canal and Power Aqueduct Company.

Assented to 5th May, 1894.

WHEREAS an Act was passed in the session held in the nine- Preamble.
teenth and twentieth years of Her Majesty's reign, chaptered 118, incorporating and chartering the Toronto and Georgian Bay Canal Company, for the purpose of building and operating a canal between Georgian Bay and Lake Ontario; and whereas, it was provided in the said Act that work should be commenced on the said canal within three years from the passing thereof, and that the said canal should be ready for navigation within fifteen years from the passing thereof, but nothing was done under the said Act, and whereas, another Act was passed in the twenty-ninth year of Her Majesty's reign, chaptered 78, altering the name of the said company to the Huron and Ontario Ship Canal Company, and extending the time for completion of the said canal for ten years, the work to be commenced within one year from the passing thereof, but the undertaking was not proceeded with, and under the said Act the said company has lost all the powers and privileges conferred on it by the expiration of the ten years mentioned therein; and whereas, it is alleged that the volume of lake traffic has increased and developed during the last twenty years and it is claimed that the undertaking can now be carried out by means of private capital upon a sound commercial basis, without public aid, other than a partial exemption from municipal taxation; and whereas the persons whose names are hereinafter mentioned have petitioned for an Act incorporating them as a company under the name of The Georgian Bay Ship Canal and Power Aqueduct Company, with the objects, purposes and powers hereinafter set forth; and whereas, the councils of the corporations of the counties of York and Simcoe have petitioned the Legislature of the Province of Ontario in support of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Henry Comstock, Esquire; David Booth, Incorpora-
Railway Contractor; George Ira Mallory, Accountant; Peter tion.
Ryan, Registrar; Emerson Coatsworth, M.P., Barrister;
George Simon Macdonald, Esquire; Hugh Miller, J. P.,
Merchant; Patrick George Close, Steamboat Owner;
Charles

Charles Herbert Macdonald, Esquire; David Hunter, Esquire; James Laughlin Hughes, Public School Inspector; John Knox Leslie, Nurseryman; Adam Walker Ballantyne, Barrister; Charles Arthur Muerrle, Merchant; and John Arthur Macdonald, Esquire, all of whom are of the city of Toronto, in the said Province of Ontario, except the three first named, who are of the town of Brockville, in the said Province, together with such other persons firms and corporations as shall, in pursuance of this Act, become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Georgian Bay Ship Canal and Power Aqueduct Company."

Location of
works.

2.—(1) The said company shall have power under this Act to lay out, construct, equip, maintain and operate from some point on Lake Ontario within the county of York to some point on the Georgian Bay, a ship canal for the purpose of conveying vessels, barges, and other water craft and their passengers and cargoes from the upper lakes to Lake Ontario; and to lay out, construct, equip, maintain and operate a power aqueduct from some point on Lake Ontario within the county of York to some point on Georgian Bay or Lake Simcoe, and by the water conveyed by the said aqueduct to generate or develop electric energy, and to sell or otherwise dispose thereof for heat, light, power and other purposes, and to supply municipalities and the inhabitants thereof with water for domestic use, fire protection and other purposes, upon such terms as may be agreed upon; and to charge and collect such tolls or rates from all persons, firms and corporations, using the said canal, or any other works authorized by this Act, or the productions of such works as to the said company may seem meet.

(2) None of the powers by this section conferred on the said company shall be exercised within the limits of the said city of Toronto without the consent of the council thereof in that behalf.

Application
of provisions
of Rev. Stat.,
c. 156.

3. *The Ontario Joint Stock Companies General Clauses Act* shall in so far only as it is applicable and not inconsistent with, or repugnant to any of the provisions of this Act, apply to the said company and the works and improvements contemplated by this Act.

Agreements
with municipi-
palities for
supplying
light, etc.,
and water.

4. The said company on the one part and the council of the corporation of any municipality or municipalities within a practicable distance of the company's works on the other part, may enter into and carry into effect any agreement or agreements for a supply of electric heat, light and power and water, or either or any or all of them, as the case may require, upon such terms as may be agreed upon by and between the company and any such council. And for the purpose of supplying

plying any municipality or municipalities or the inhabitants thereof with water or electric heat, light, power, and any or all of them, the company may, with the approval of the Lieutenant-Governor in Council, erect, construct, lay down and operate overhead or underground wires, mains, conduits, or other conductors of water or electric heat, light, power, etc., through any other municipality, after obtaining the consent of the last mentioned municipality, by by-law duly passed by the council thereof.

5. The said William Henry Comstock, David Booth, George Ira Mallory, Peter Ryan, Emerson Coatsworth, George Simon Macdonald, Hugh Miller, Patrick George Close, Charles Herbert Macdonald, David Hunter, James Laughlin Hughes, John Knox Leslie, Adam Walker Ballantyne, Charles Arthur Muerrle and John Arthur Macdonald, shall be and are hereby constituted a board of provisional directors of the said company, a majority of whom shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and who shall have power to open stock books and procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be made and executed; to call a general meeting of the shareholders for the election of directors as hereinafter provided; and generally to do all such other acts as a board of directors under this Act may lawfully do.

Provisional
directors.

6. When, and so soon as shares to the amount of \$1,000,000 of capital stock in said company shall have been subscribed and allotted and ten per centum *bona fide* paid up by the respective subscribers thereof and paid into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors, or a majority of them shall call a meeting of the shareholders for the purpose of electing directors of the said company giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Toronto, in the county of York, of the time, place and purpose of the said meeting, and at such general meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have so paid ten per centum on the stock subscribed by them, shall elect not less than nine, or more than twenty-five persons to be directors of the said company, which said directors shall constitute a board of directors. The directors so elected shall hold office until the next general annual meeting and a majority of the directors residing within the Province of Ontario shall form a quorum of the board and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the said board of directors may employ

First meeting
for election of
directors.

employ and pay one of their number as a managing director. No such meeting shall be called or held and none of the compulsory powers by this Act granted shall be exercised until the Lieutenant-Governor in Council has declared that it has been shown to his satisfaction that the said ten per cent. has been duly paid.

Rights of
aliens.

7. Aliens as well as British subjects whether resident in Canada or elsewhere, may be shareholders in the said company and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall be also eligible to hold office as directors or otherwise in the said company and in all other ways shall enjoy all the rights and privileges of shareholders as they could do if British subjects.

Certain pay-
ments may be
made in paid
up stock or
bonds.

8. The elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, or in both, such sums as they may deem expedient to engineers or others for plans, surveys, right of way or material, plant or rolling stock, but only when sanctioned by the shareholders at any general meeting, and when the parties entitled to such payment consent to accept such stock or bonds, or both, instead of cash.

Capital stock.

9. The amount of the capital stock of the company shall be \$20,000,000.

(a) The number of shares shall be 200,000 and the amount of each share shall be \$100.

(b) One hundred and twenty thousand of the said shares shall be preferred stock, and eighty thousand shares shall be common stock, and no dividend shall be paid on the latter in any year until a dividend of at least three per cent. shall have been paid or declared in favour of the former for such year.

(c) The company may from time to time by by-law duly passed for that purpose, and ratified by the shareholders at a special meeting to be called for that purpose, or at any annual or general meeting, redeem or buy in for cancellation any or all of the preferred stock, without the consent of the owners or holders thereof, upon payment of the par value thereof, together with all unpaid dividends that may have been declared thereon in cash.

issuing bonds
or debentures.

10. In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the said shareholders then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company and issue the bonds, debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or be necessary; but none of such debentures shall be for a less sum than one hundred dollars.

(2) The directors may, under the like sanction, hypothecate mortgage or pledge the real or personal property of the company to secure any sum or sums borrowed for the purposes thereof.

(3) The said company shall not have power without the consent of the Lieutenant-Governor in Council to issue bonds or debentures under this section for a greater amount than double the paid up capital of the said company.

(4) The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may under the powers of this Act issue for the construction of the said canal and power aqueduct, or either of them, or otherwise.

11. Subject to the other provisions of this Act, the company may from time to time, and at such times, hereafter as they shall see fit, enter into and upon the lands of any person or persons, bodies politic or corporate, and survey, set out and ascertain such parts thereof as they may require for the purposes of the said ship canal and power aqueduct, or either of them, or upon which to build, construct, erect, open or lay down locks, hydraulic lifts, elevators, wharves, piers, docks, dock walls, embankments, retaining walls, gates, water pipes, sluices, viaducts, tunnels, reservoirs and such other works as may be necessary for the undertaking; and also to divert and appropriate any spring, stream, river, lake or other source or sources of water supply as they shall judge suitable and proper; and to contract with the owners or occupiers of the said lands and those having an interest or right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said ship canal and power aqueduct or either of them; and in case of any disagreement between the said company and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damage such appropriation shall cause to them, or otherwise, the same shall be decided by arbitration as provided in *The Railway Act of Ontario*; provided, however, that before entering into actual possession of any such lands, or actually diverting, appropriating or injuriously affecting any such water or the natural flow thereof, the company shall pay to the owner of the said land, or the person interested in the said water or flow thereof, such sum as may be awarded, as the value thereof, and as the damage such appropriation shall cause, by said arbitration. But within thirty miles of the said city of Toronto the company shall not exercise any of its powers over any spring, streams, river, lake or other source or sources of water supply except within a distance of 2,000 yards on each side of the said ship canal or power aqueduct.

Taking lands.

Rev. Stat.,
c. 170.

(2) No water shall be taken or diverted by the company under this section the taking or diverting of which would injuriously effect or lessen the efficiency of any municipal waterworks system, unless the consent and approval of the Lieutenant-Governor-in-Council be first obtained in that behalf.

Application
of certain pro-
visions of Rev.
Stat. c. 170.

12. Sections 10, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Railway Act* of Ontario, in so far as they are applicable to the company hereby incorporated, shall be incorporated with and be deemed to be part of this Act, and for the purposes of this Act wherever the word "railway" occurs in said clauses the words "ship canal and power aqueduct, or either of them" shall be substituted therefor.

Exercising
powers as to
aqueduct in
cities, towns,
or villages.

13. None of the powers conferred by sections 11 and 12 of this Act in so far as they relate to said power aqueduct and the works and operations in connection with the construction thereof shall be exercised or made use of within the limits of any city, town or village, save only so far, and to such extent and in such manner and mode and subject to such terms and conditions, as the municipal council of said city, town or village shall by by-law sanction, authorize and permit. Provided always that in the event of any municipality refusing to so sanction, authorize or permit the service or use of said powers the Lieutenant-Governor in Council may sanction, authorize and permit the same upon such terms and conditions as may be fixed by order in council in that behalf.

Power to pur-
chase whole
lots.

14. Whenever it shall be necessary for the purpose of procuring sufficient land for right of way, locks, power, reservoirs, etc., and for constructing, maintaining and using the said ship canal and power aqueduct, or either of them, and in case by purchasing the whole or a portion larger than required of any lot or parcel of land through which the ship canal and power aqueduct, or either of them, are to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the right of way only, the company may purchase, hold, use and enjoy such waters and lands and also the right of way thereto, if the same be separate from their ship canal or power aqueduct, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.,
c. 170.

Taking
materials for
construction
of works.

15. When stone, gravel, earth or sand is or are required for the construction, maintenance or operation of said canal or power aqueduct, or either of them, or any part thereof, the company may, in case they cannot agree with the owners of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description

description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right of the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.,
c. 170.

16. Conveyances of land to the said company for the purpose of this Act, made in the form set out in schedule A to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance to company.

17. The said company shall have power to construct a telephone line and a telegraph line in connection with but for the purposes only of their ship canal and power aqueduct, or either of them.

Telephone and telegraph lines.

18. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the said ship canal and power aqueduct, or either of them, or any part or parts thereof including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds or in paid-up stock of the company with the consent of the individual or association of individuals with whom such contract is made; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Contracts for construction.

Proviso.

19. In case of any accident requiring immediate repair on the said canal or aqueduct, the said company, their agent or workmen, may enter upon the adjoining

Taking materials for repairs, etc.

land

land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land and making compensation therefor within one month next after the same shall have been demanded, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act of Ontario*.

Rev. Stat.,
c. 170.

Bridges over
roads crossed
by works.

20. Whenever any highway or public road shall be cut through by the said canal or aqueduct, the said company shall, within one month thereafter, cause to be constructed, and thereafter maintained, a secure and sufficient bridge over, or subway under the same, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiration of the said time during which the company shall neglect to construct the said bridge, such bridge to be built in a manner satisfactory to the council of the said municipality, or in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council, and the provisions of section 29 of *The Railway Act of Ontario*, so far as the same are not inconsistent with this section, shall apply to and be compulsory on the said company, and the said section shall be read as if the word "canal" was substituted for the word "railway," and the words "canal crossing" for the words "railway crossing" in the said section.

Time for com-
mencement of
work.

21. If the construction of the ship canal or power aqueduct or one of them, be not commenced within one year, and \$500,000 expended within three years, and \$5,000,000 expended thereon within five years after the passing of this Act, and if the ship canal and power aqueduct, or one of them, be not finished and put in operation within ten years from the passing of this Act, the corporate existence and powers of the company shall cease but creditors and others having claims against the company may nevertheless maintain them against the shareholders to the extent that their shares remain unpaid; provided, further, that in the event of the construction, completion and putting in operation of the said power aqueduct within ten years from the passing of this Act the said company shall have five years further, being fifteen years from the passing of this Act, to complete the construction of the said ship canal and put the same in operation, and unless the said ship canal be completed and put in operation within fifteen years from the passing of this Act all powers by this Act conferred for the construction of a ship canal beyond those necessary for the construction and operation of the said power aqueduct shall cease and determine.

(2) The said sums mentioned in this section shall not be deemed to have been expended within the meaning of this section, unless and until the Commissioner of Public Works for Ontario shall have given his certificate to that effect.

22. The said company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts using the said canal, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of vessels as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said company shall decide from time to time.

Construction of ponds, basins, docks, etc.

23. It shall be lawful for the corporation of any municipality through any part of which the canal or power aqueduct of the said company passes or is situate by by-law expressly passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years not exceeding twenty-one years as such municipal corporation may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein; Provided further that no such by-law shall take effect until the same has received the assent of the electors entitled to vote on money by-laws in accordance with the provisions of *The Consolidated Municipal Act, 1892*.

By-laws exempting works from taxation.
55 V. c. 42.

24. None of the powers herein conferred shall be held to abridge or take away from the city of Toronto the powers conferred by the Act passed in the 35th year of Her Majesty's reign, chaptered 79, or any Act amending the same, nor shall any of such powers hereby conferred be exercised so as to interfere with the said powers of the said city except within the distance of 2,000 yards from the said canal or power aqueduct as herein provided.

Rights of city waterworks preserved.

SCHEDULE A.

(Section 16.)

Know all men by these presents, that I, _____ in
 consideration of _____ dollars paid to me by The
 Georgian Bay Ship Canal and Power Aqueduct Company,
 (the receipt whereof is hereby acknowledged) do grant and
 convey unto the said company

same having been selected and laid out by the said company
 for the purposes of their ship canal and power aqueduct, or
 either of them, to hold, with the appurtenances unto the said
 The Georgian Bay Ship Canal and Power Aqueduct Com-
 pany, their successors or assigns forever.

*(Here insert any other clause, covenant or condition
 required.)*

And I, _____ the wife of the said
 do hereby bar my dower in the said lands.

As witness my hand and seal this _____ day of _____ 189 .

Signed, sealed and delivered }
 in the presence of }

CHAPTER 98.

An Act to incorporate the Ontario Burglary Insurance Company (Limited).

Assented to 5th May, 1894.

WHEREAS the persons whose names are hereinafter mentioned have by their petition prayed to be incorporated for the purpose of carrying on the business of guaranteeing persons, firms and corporations against loss and damage by burglary or house-breaking as hereinafter set forth ; and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Thomas G. Blackstock, J. B. Wood, Walter D. Beardmore, A. M. Cosby, Robert Jaffray, William B. McMurrich, Lud. K. Cameron, Frederick A. Ritchie and Alfred S. Wigmore, all of the city of Toronto in the Province of Ontario, together with such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Ontario Burglary Insurance Company (Limited)."

Incorporation.

2. The company may make and enter into contracts with any person, firm or corporation for the purpose of indemnifying such person, firm or corporation against any loss of or damage to property by reason of burglary or house-breaking, and the company may issue its policies in such form as may be determined not contrary to law.

Insurance against burglary or house-breaking.

3. The company may make and enter into contracts with any corporation doing the business of protection by means of electrical appliances and may by agreement with such electrical protection company, issue policies to the several subscribers thereof indemnifying them against loss arising by reason of burglary or house-breaking.

Contracts with electric alarm companies.

4. The capital stock of the company shall be \$500,000 divided into shares of \$100 each, and after the whole amount of the capital stock has been subscribed for and fifty per cent. paid thereon, the company may with the assent of the Lieutenant-Governor in Council increase the capital stock to an amount not exceeding \$1,000,000 provided that such increase and the amount thereof has been first sanctioned

Capital stock.

by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the original stock are present in person or represented by proxy.

Provisional directors.

5. Thomas G. Blackstock, J. B. Wood, Lud. K. Cameron, Robert Jaffray, William B. McMurrich and A. S. Wigmore shall be and are hereby constituted a board of provisional directors of the said company, of whom the majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Election of directors.

6. The first elected directors and the after directors of the company shall be elected by the shareholders in general meeting of the company assembled at such time, in such wise and for such term, not exceeding two years, as may be prescribed by the by-laws of the company, subject to the provisions of this Act.

Powers of provisional directors.

7. The board of provisional directors may forthwith open stock books, procure subscriptions of stock, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Ontario all moneys received by them on account of stock subscribed or otherwise on account of the company, and shall withdraw the same for the purposes only of the company.

Commencement of business—first general meeting.

8. So soon as \$100,000 of the capital stock of the company has been subscribed and twenty per cent. paid thereon into a chartered bank in Ontario to the credit of the company, the company, on paying the deposit hereinafter required and obtaining a license, in the same manner as is prescribed by *The Ontario Insurance Act* in the case of other insurance companies, may commence business, and the provisional directors shall within three months thereafter, call a meeting of the shareholders of the company at the place where the head office is situate at such day and hour as they think proper, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall elect the directors; and no person shall be elected or continue a director unless he is a shareholder owning at least five shares of stock and has paid all calls due thereon.

Rev. Stat. c. 167.

Deposit with government.

9. The initial deposit to be made by the said company before the original issue of the license shall be the sum of \$10,000, to consist either of cash or of the securities prescribed by *The Ontario Insurance Act* and the provisions of the said Act shall govern the annual readjustment and all other matters relating to the deposit.

Rev. Stat. c. 167.

10. The annual general meeting of the shareholders shall be held on the third Wednesday in February in each year, or at such other date in each year as is fixed by by-law passed at any annual general or special meeting of shareholders duly called for that purpose. Annual general meeting.

11. At such meeting the subscribers of the capital stock who have paid all calls due on their shares shall choose seven persons to be directors of the company; but the company may, by by-law, first approved of by the shareholders, increase the number of directors to any number not exceeding nine; and a majority of the directors shall be a quorum. Directors.

12. The head office of the company shall be in the city of Toronto, and may be changed to such other place in Ontario as is fixed by by-law passed at any annual general meeting or any special meeting of shareholders duly called for that purpose. Head office.

13. The company may charge such premium for the risks undertaken by it as the persons contracting with the company agree to pay. Premiums.

14. The company shall invest its funds as is enacted by section 130 of *The Ontario Insurance Act* as amended by section 63 of *The Insurance Corporations Act, 1892*, provided that the company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investments, Rev. Stat. c. 167; 55 V., c. 39.

15. *The Ontario Insurance Act* and *The Insurance Corporations Act 1892*, shall, except so far as they may be inconsistent with the provisions of this Act, be incorporated with and be deemed to be part of this Act, and shall apply to the company hereby incorporated, and save as aforesaid the provisions of *The Ontario Joint Stock Companies' General Clauses Act*, and *The Ontario Joint Stock Companies' Letters Patent Act*, shall also apply to the said company. Application of Rev. Stat. c. 167 and 55 V., c. 39. Application of Rev. Stat. c. 156 and c. 157

CHAPTER 99.

An Act to amend the Act to incorporate The
People's Life Insurance Company.

Assented to 5th May, 1894.

Preamble.

WHEREAS The People's Life Insurance Company have by their petition prayed that their Act of Incorporation may be amended so as to increase their borrowing powers, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 Vict., c.
102, s. 12,
amended.

1. Section 12 of the Act, passed in the 55th year of Her Majesty's reign, chaptered 102, intituled "*An Act to incorporate the People's Life Insurance Company*," is hereby amended by striking out the figures "\$20,000," in the second line of the said section, and inserting the figures "\$50,000" in lieu thereof.

CHAPTER 100.

An Act relating to Christ Church, Hamilton, (1894.)

Assented to 5th May 1894.

WHEREAS the rector and churchwardens of Christ Church, Hamilton, have, by their petition, represented that under the provisions of the Act passed in the 38th year of Her Majesty's reign, chaptered 85, intituled, *An Act relating to Christ's Church, Hamilton*, they have borrowed from the Trust and Loan Company of Canada certain moneys and secured the same by a mortgage dated the 26th day of October, 1876, on the lands, church and school mentioned in the said Act, and that further borrowing powers are required to enable the rector and churchwardens to raise money to pay certain debts incurred in the enlargement of the school house and building parish rooms and a chapel upon the lands mentioned in the said Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The rector and churchwardens of Christ Church, Hamilton, and their successors in office are hereby empowered to borrow from any person or corporation willing to lend the same such sum or sums of money as may from time to time or at any time be required for the purpose of paying off the whole or any part of the said mortgage to the Trust and Loan Company of Canada and also such further sum or sums of money as may be required to pay off the indebtedness incurred in enlarging the school-house and building parish rooms and a chapel on the said lands, and also such further or other sums as may from time to time be required for enlarging or improving the said buildings, or erecting other buildings, or making improvements when the same shall be respectively deemed advisable by the rector and churchwardens or their successors in office and it shall be lawful to pay such rate of interest upon the moneys so borrowed as may be agreed upon, but not to exceed six per cent. per annum payable half yearly, and to secure the moneys so to be borrowed from time to time by a mortgage or mortgages upon the lands mentioned in the first mentioned Act and the buildings erected or to be erected thereon, or upon a portion of said lands and the buildings thereon erected or to be erected, as may be agreed on; provided always that the

Rector and church wardens empowered to borrow.

Proviso.

Proviso.

total amount borrowed shall not at any time exceed \$25,000, but such borrowing powers shall not be exhausted by borrowing \$25,000 or any less sum but may be exercised from time to time up to the limit of \$25,000 upon the moneys so borrowed being paid off or reduced from time to time below \$25,000; provided further that no money shall be at any time borrowed unless the same shall be first authorized by resolution of the vestry of the said church and approved of by the Bishop and standing committee of the Synod of the Diocese of Niagara.

Mortgages
not bound to
see to applica-
tion of moneys
advanced.

2. Any person or corporation *bona fide* advancing any money to the rector and churchwardens of Christ Church, Hamilton, or their successors in office, upon any mortgage authorized to be given under this Act, shall not be bound to see to the application or be responsible for the misapplication of such moneys.

CHAPTER 101.

An Act to authorize the Trustees of the Congregation of "The Holy Blossom" to convey certain lands to other Trustees

Assented to 5th May, 1894.

WHEREAS by deed, dated the 7th day of September one Preamble.
thousand eight hundred and seventy-five the lands more particularly described in Schedule A hereto annexed, were conveyed to Lewis Samuel, Marx Kassel, Lipman Walters, Isaac Davis, Alexander Miller, Marcus J. Green, and Mark Solomon, as trustees for the congregation of Jews worshipping in the city of Toronto, called "The Holy Blossom" upon the trusts and for the purpose set forth in the said conveyance; and whereas pursuant to the provisions of the said deed new trustees have been appointed in the place of certain of the trustees originally appointed, and Marx Kassel, Alfred David Benjamin, Samuel Wolf, Jacob Singer, Edmund Scheuer, Alfred Myers and Abraham Franklin are the present trustees for the said congregation under the said deed; and whereas the provisions of the *Act respecting the property of Religious Institutions* have lately been extended to members of the Jewish religion, and it is desired by the said congregation that the lands and premises mentioned in the said conveyance should be conveyed by the said trustees to trustees to be appointed by the said congregation pursuant to the said Act, but subject to the provisions hereinafter set forth against any change in the ritual or mode of worship now carried on by the said congregation and known as "Orthodox Minhag"; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said Marx Kassel, Alfred David Benjamin, Samuel Wolf, Jacob Singer, Edmund Scheuer, Alfred Myers and Abraham Franklin trustees for the congregation of Jews worshipping in the city of Toronto, called "The Holy Blossom" to convey the lands and premises more particularly described in Schedule A hereto annexed to such trustees as may be appointed by the said congregation pursuant to the provisions of the *Act respecting the Property of Religious Institutions* and they or any of them may be such trustees if so appointed. Land to be conveyed to trustees.
Rev. Stat. 237.

Trusts upon which property is to be held.

Rev. Stat. c. 237.

Restriction as to form of worship.

Who to be deemed members of the congregation.

Meetings of the congregation.

2. Upon the appointment by the said congregation of such new trustees pursuant to the provisions of the said Act, the said Marx Kassel, Alfred David Benjamin, Samuel Wolf, Jacob Singer, Edmund Scheuer, Alfred Myers and Abraham Franklin shall convey the saids lands to such new trustees, and such new trustees and their successors shall hold the said lands as trustees for the said congregation pursuant to the provisions of the said *Act Respecting the Property of Religious Institutions* subject to all the rights and powers of the said congregation existing by virtue of the said Act; provided always that the deed conveying the said lands shall provide that no change shall be made in the ritual of the congregation or its mode of worship now carried on and known as "Orthodox Minhag," unless sanctioned by four-fifths of the members of the congregation present at a congregational meeting, notice of such meeting, stating that such question is to be considered thereat, having been duly given.

3. The said deed of conveyance shall further provide that in case the said lands be sold and the proceeds applied in the purchase of a new site or the erection of a new building for the said congregation, the form of worship to be carried on therein shall be as at present according to the doctrines, rules, forms and ceremonies, known and recognized in the Jewish religion as "Orthodox Minhag," and there shall be no departure or variation therefrom unless sanctioned in the manner mentioned in the last preceding section.

4. The members of the congregation herein referred to shall be such persons as have heretofore or shall hereafter become and be members thereof in accordance with the rules or by-laws of the said congregation now in force or which shall from time to time be adopted by them.

5. Meetings of the said congregation shall be called in such manner as is provided by the rules or by-laws of the congregation now in force, or which shall from time to time be adopted by them.

SCHEDULE A.

(Section 1.)

All that certain parcel of land situate in the city of Toronto containing one-sixth of an acre more or less composed of and being lot number six on the south side of Richmond street east of Yonge street described as follows :—Commencing on the south side of Richmond street at the north-east angle of the said lot, then south sixteen degrees east ninety feet more or less to the centre of the block, then south seventy-four degree west eighty feet more or less to the limit between lots number six and seven, then north sixteen degrees west ninety feet more or less to Richmond street, then north seventy-four degrees east eighty feet more or less to the place of beginning, being part of a certain block of six acres of land formerly reserved for the purpose of an hospital and denominated by the letter C on the plan of the town of York.

CHAPTER 102.

An Act respecting St. George's Church.
Kingston.*Assented to 5th May, 1894.*

Preamble.

WHEREAS, by Letters Patent under the Great Seal of the late Province of Upper Canada, dated the 19th day of January, 1824, Her Majesty gave and granted unto the Venerable George O'Kill Stuart, George H. Markland and John Macaulay, their heirs and assigns that portion of land in the then town (now the city) of Kingston denominated Block G, to have and to hold the same upon trust to ratify and perform the then subsisting leases and to demise and lease the residue together, or in parcels for any term not exceeding twenty-one years, and to renew or grant fresh leases from time to time, as to the said grantees or any future trustees should seem fit, and to receive the rents and apply the same, in the first place in liquidation of the sum that might be borrowed for erecting a new church, after that in trust to pay the rents to the clergyman for the time being, who should be resident and doing duty in the church then about to be erected (and now known as St. George's Cathedral) for the use of the parishioners of the town of Kingston (now the city of Kingston) according to the rites and ceremonies of the Church of England with a proviso for appointment of new trustees and that when a parsonage or rectory should be erected in Kingston aforesaid and an incumbent or minister of the Church of England presented thereto the said grantees and any succeeding trustees, should as is therein provided transfer and convey the said land to such incumbent or minister so appointed, and his successors forever as a sole corporation, to and for the uses and upon the trusts as aforesaid; and whereas by Letters Patent, dated 21st January, 1836, a parsonage or rectory in the said town of Kingston was erected, designated as the first parsonage or rectory within the township of Kingston; and whereas the said George O. Stuart was duly inducted into the said parsonage or rectory; and whereas by deed poll, dated 10th May, 1837, the said George H. Markland and John Macaulay, in fulfilment of the powers and duties of the trusts, granted, transferred, assigned and set over to the said George O. Stuart as rector and incumbent of St. George's Church, in Kingston, the said land, to have and to hold to the said George O. Stuart and his successors forever, subject and under the uses and trusts set forth in the said Letters Patent, firstly mentioned, and by a deed poll of the same date the said George O. Stuart consented and agreed to the said assignment and acknowledged that he took and held the same as rector
and

and incumbent of Kingston and not otherwise ; and whereas the Very Reverend Buxton B. Smith, Dean of Ontario, having been duly presented and inducted into the said rectory, is now the rector and incumbent of St. George's Church or Cathedral aforesaid ; and whereas in pursuance of certain statutes of the late Province of Canada and of the Legislature of Ontario, and of certain canons of the diocese of Ontario within which the said rectory or parsonage is situate certain portions of the said land have been sold ; and whereas under the said statutes the surplus revenue from the said rectory beyond the sum of \$3,000 reserved for the rector is divisible amongst the other incumbents of churches belonging to the Church of England in the city and township of Kingston in such proportions as the synod of the diocese of Ontario may from time to time order and direct ; and whereas in pursuance of said statutes and canons and with the consent of the said Very Reverend Buxton B. Smith, the temporalities of the said rectory or parsonage are now managed by a committee, known as the Kingston rectory committee, appointed by the said synod and composed of members thereof and of the incumbents from time to time of the said churches ; and whereas it is necessary for the proper and advantageous management of the said trust, and the said rector and other incumbents interested in the said trust and the said committee have by their petition prayed that there should be conferred upon the said rector and his successors in office, for the purposes of the said trust the powers hereinafter mentioned ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The rector of St. George's Church in the city of Kingston for the time being shall be and continue to be the trustee for the management of the said trust, in accordance with such resolutions as may from time to time be adopted by the said rectory committee or such other committee as may from time to time be appointed for the purpose by the canons of the synod of the diocese of Ontario or the diocese in which the said rectory shall be situated ; and the said trust property is hereby declared to be vested in the said rector as such trustee as aforesaid in fee simple.

Rector to be trustee of property of rectory.

2. As often as the said trustee shall be changed by the appointment of a new rector of the said St. George's Church, the said trust property shall, without any conveyance thereof become and be vested in the new trustee for the purpose of the said trust in fee simple.

Trusts to devolve on rectors' successors in office.

3.

Purchase
of adjoining
lands.

3. For the purposes of the said trust or incidental to the management of the said trust property the said trustee shall have the power and he is hereby authorized with the consent of the said committee and of the executive committee of the synod of the said diocese to purchase any part of the land adjoining the said trust premises, should they deem it expedient so to do for the better management of the said trust and with the consent of the said executive committee any of the invested funds belonging to the said rectory and held by the synod of the said diocese in trust therefor may be applied in payment of the purchase money, and after such application the said synod shall be discharged from all trusts in connection with the money so applied.

Leasing
powers.

4. The said trustee shall have the power and he is hereby authorized with the consent of the said rectory committee to lease any portion of the said trust premises for such term as may be agreed upon, not exceeding ninety-nine years, to enter into covenants for a renewal of such lease, or for payment for the buildings which may be erected by any lessee upon the said premises, which covenants shall be binding upon their successors in the said trust.

Building
powers.

5. The said trustee shall have the power and he is hereby authorized with the consent of the said rectory committee, to erect any buildings or structures upon the said trust premises, and to enter into any necessary contracts for that purpose, and to raise money for that purpose or for the purpose of paying for buildings already erected, or for the purchase of adjoining land, or generally for any purpose connected with the improvement of the said trust property, by creating any mortgages or incumbrances upon the said trust property, containing such covenants and conditions as to the said trustees may seem just and reasonable and the said trustee shall have the power to convey the said premises to any mortgagee for the purposes aforesaid.

Leases to be
approved by
synod.

6. No contract or agreement made or entered into in exercise of the powers contained in the two next preceding sections, except leases at a usual or ordinary rental not exceeding twenty-one years, and containing no covenants for renewal or payment for buildings or other improvements shall be valid until the same has been sanctioned and approved of by the said executive committee of the said synod.

Investment
of trust
money.

7. The said incorporated synod is hereby authorized to invest any portion of the trust moneys in its hands belonging to the said Kingston rectory in and upon any mortgage in the lands belonging to the said rectory and vested in the said trustee and which the said trustee is empowered to create by the provisions of this Act.

8. The said Incorporated Synod of the Diocese of Ontario may with the consent of the executive committee thereof on the application of the said Kingston rectory committee apply any of the uninvested funds belonging to the said rectory and held by the said synod in trust therefor in payment of the cost of erecting any buildings or structures on the said premises and after such application the said synod shall be discharged from all trusts in connection with the money so applied.

Application
of uninvested
rectory funds.

9. All meetings of the said rectory committee for considering and determining upon any of the matters authorized to be done by this Act shall be held upon notice in writing to the members posted two clear days at least before the holding of the meeting and specifying the business to be considered, and all resolutions authorizing the exercise of any of the powers conferred or created by this Act, except the leasing of any property for a period not exceeding three years, without building covenants, must be sanctioned by two-thirds of all the members of the said committee, who may be present at the meeting called to consider the matter to be sanctioned. All resolutions respecting or involving the exercise of any powers conferred by this Act shall be in writing and shall be duly entered and preserved in a book to be kept by the said committee, or the secretary thereof, and a copy of any resolutions certified by the chairman and secretary of the said rectory committee may be registered in the registry office of the county in which the said trust lands are situate, without further proof for registration than such certificate.

Meetings of
rectory
committee.

CHAPTER 103.

An Act to incorporate the Universalist Church of Ontario in Canada.

Assented to 5th May, 1894.

Preamble.

WHEREAS the Universalists' Convention of the Province of Ontario, in Canada, have, by their petition, represented that they are desirous to become incorporated in the Province of Ontario, with powers to purchase, sell, hold and mortgage property, and to make loans and investments of surplus funds, and to appoint trustees and other officers of their church from time to time, as necessary or expedient, and to receive and take legacies, bequests and devises heretofore or hereafter bequeathed, granted and devised to them for the purposes of the said church, and with powers to parish churches to transfer their property and the proceeds in case of sale thereof to the incorporated church for the purposes of the said church; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of Universalists' Convention.

1. The Universalists' Convention of the Province of Ontario, in Canada, shall be and is hereby declared to be a body politic and corporate, by the name and style of "The Universalist Church of Ontario in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which it may alter and change at pleasure.

Officers and trustees of Convention.

2. It shall be lawful for the regular members of said Universalists' Convention at its regular constitutional meetings to appoint such officers and trustees, and to make and ordain such by-laws and regulations in relation to the management and disposition of their real and personal estate, the duties of their officers and the management of the corporate offices, as they shall think proper, provided that they are not inconsistent with any Act or law in that behalf in force within this Province.

Power to purchase and hold real estate.

3. The said corporation may purchase and hold real and personal estate for the purposes of the corporation, and also with the consent of a majority of the trustees and officers of the Universalists' Convention, at its regular constitutional meetings,

meetings, sell and mortgage any of its real and personal estate, the proceeds thereof to be applied as a majority of the trustees and officers of the said Universalists' Convention shall determine, and the said corporation may also receive, take and hold legacies, bequests, lands and property for the purposes of the said church, whether heretofore or hereafter bequeathed, devised or granted to the said church or corporation.

Provided always that no real estate not actually occupied for the purposes of the corporation shall be held for a longer period than seven years, and the lands in Ontario held by the said corporation shall not exceed in annual value the sum of \$5,000 at any one time: Provided that no gift or devise of any real estate or of any interest therein shall be valid unless made by deed or will executed by the donor or testator at least six months before his death.

4. The said corporation may also, from time to time, make Investments. such investments and loans of all moneys held for investment, for the use or purposes of the said church, and alter and change such investments, when and as may be approved of, by the written consent of a majority of the officers and trustees of the Universalists' Convention.

5. Parish churches, by a majority vote of their members in Transfer of property from parish church to Convention. a meeting assembled and duly called to consider the subject, are hereby empowered to transfer any real and personal property held by them, and the proceeds, in case of sale thereof to the said corporation, to be held and used by them for the purposes of the said church, in accordance with its rules and by-laws.

CHAPTER 104.

An Act to enable James Henry Carpenter to practise Dentistry.

Assented to 5th May, 1894.

Preamble. §

WHEREAS James Henry Carpenter, of the Village of Dunnville, in the County of Haldimand and Province of Ontario, hath by his petition set forth that from the year 1862 to the year 1870 he was engaged as a dentist's assistant, at the said village of Dunnville, and from the year 1870 to the present time he has been engaged almost constantly as a dentist's assistant under the personal supervision of a member of the Royal College of Dental Surgeons of Ontario, and has prayed that an Act may be passed to authorize him to practise; and whereas the Royal College of Dental Surgeons have not offered any opposition to the said petition; and whereas the circumstances of the case appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

J. H.
Carpenter
authorized to
practise
dentistry.

1. The said James Henry Carpenter is authorized to practise as a dentist within the Province of Ontario, any law statute or usage to the contrary notwithstanding.

CHAPTER 105.

An Act to enable the Royal College of Dental Surgeons to admit Nelson Schnarr to practise as a Dental Surgeon.

Assented to 5th May, 1894.

WHEREAS Nelson Schnarr of the town of Rat Portage in the Province of Ontario hath, by his petition, set forth that from the year 1884 to the year 1887, he was articled to a licentiate of dental surgery, and served during such period as a student of dentistry, and from the year 1887 to the year 1893, he has practised as a dental surgeon in the district of Rainy River and has prayed that an Act may be passed to authorize The Royal College of Dental Surgeons of Ontario to admit him to practise as a licentiate of dental surgery, upon his paying the requisite fees in that behalf; and whereas exceptional circumstances have been shewn to exist in connection with the application; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said Nelson Schnarr to practise dentistry in the Rainy River District without any certificate of qualification until the 15th day of March, 1896; and the Royal College of Dental Surgeons of Ontario shall admit the said Nelson Schnarr to practise as a licentiate of dental surgery upon passing the prescribed final examination, to be held in the month of March, 1896, without further attendance upon lectures, and upon paying the requisite fees in that behalf, any law or usage to the contrary notwithstanding.

Admission of N. Schnarr to practise dentistry.

CHAPTER 106.

An Act to enable the Executors of the late John Smith to mortgage certain lands in the City of Toronto.

Assented to 5th May, 1894.

Preamble.

WHEREAS William John Smith and Edward Smith, both of the City of Toronto, Esquires, the executors and trustees of the last will and testament of John Smith, late of the City of Toronto, Esquire, deceased, Joseph Smith, of the same place, Esquire, Faith Jane Smith, his wife, Henrietta Pearsall, wife of Benjamin Pearsall, of the city of Toronto, jeweller, Sarah Holman, wife of Albert Wallace Holman, of the said city of Toronto, butcher, and Mary Lumbers, of the same place, wife of Robert Lumbers, have, by their petition represented that the said John Smith died on or about the 24th day of September in the year of our Lord one thousand eight hundred and ninety, possessed of considerable estate, mainly real estate, having first made his last will and testament, which bears date the 28th day of February, one thousand eight hundred and ninety, and that the petitioners are all the adult beneficiaries under the said will interested in the real estate, except Mary Smith, the widow of the testator: that in the case of all the devisees to the adult devisees (except in the case of William John Smith and that of Edward Smith) the said adult devisees have only a life estate, there being limitations over to their children who are under the age of twenty-one years: that the petitioners cannot mortgage, under the provisions of the will of the said John Smith, the property known as the Byres, a portion of the estate of the said John Smith, which said property may be more particularly known and described as follows, that is to say:—All and singular those certain parcels and tracts of land situate in the said city of Toronto, composed of parts of lots numbers fourteen and fifteen in the broken front of the township of York, and marsh lands appurtenant thereto, described as follows: commencing at the point where the southerly line of the Grand Trunk Railway of Canada intersects the westerly limit of Saulter street, thence southerly along the said westerly limit of Saulter street, and continuing to the line between the lands of the said John Smith and the lands belonging to the corporation of the city of Toronto, thence westerly along the said line one thousand two hundred and seventy-five feet more or less to a point where a line drawn parallel to Saulter street southerly from the westerly end of the bridge of the said Grand Trunk Railway over the

river

river Don, would intersect the said line between the lands of the said John Smith and the lands of the said corporation of the city of Toronto, thence northerly along the said described line to the Don river, thence northerly following the course of the Don river to the southerly line of the said Grand Trunk Railway where it crosses the said Don river, thence north-easterly along the southerly line of the said Grand Trunk Railway to the place of beginning, containing, including dry land and marsh lands, about thirty-one acres; that the whole of the property not specifically devised and which includes the homestead, except the said property known as the Byres, is almost entirely unproductive, and the assessed value thereof is \$243,623; that owing to this fact the taxes upon the said property accumulated, and advances had to be obtained from the bank, from time to time, since the death of the testator, to meet the taxes and the other necessary expenses of managing the estate; that the estate being in debt to the bank to the extent of about \$20,000, almost the entire sum being for taxes, the bank declined to make any further advances and called for payment of the loan; that to avoid proceedings being taken by the bank and an execution against the estate, and to save the property from thus being sacrificed, the executors endeavored to obtain a loan to pay off the bank and to provide for the payment of the taxes for the next five years; that they obtained a loan from George Gooderham of Toronto of \$27,000, out of which the indebtedness to the bank and the taxes for 1894 are to be paid, for one year, with an agreement on the part of the said George Gooderham, that upon the executors obtaining legislative authority to include in the mortgage the said property known as the Byres, to extend the said loan for four years longer, to pay all taxes in the meantime, to allow the interest to accumulate and giving the privilege to the executors of paying off, at any time, the whole or any part of the said mortgage, upon paying three months' interest in advance on the sum so paid off, by way of bonus, thus giving the executors time to sell and dispose of the property without sacrificing the same; that in case the legislation asked is not obtained, the lands will be liable to be sold for default under the said mortgage, in January, 1895, and the estate sacrificed; that it is for the best interests of the estate and necessary for the due preservation of the said estate generally that the executors of the estate should be empowered to mortgage the said property, known as the Byres, hereinbefore described; and whereas the said petitioners have by their said petition prayed that an Act may be passed to enable the said lands to be mortgaged as hereinafter set forth; and whereas John Hoskin, Esq., Q.C., official guardian of infants, has examined the subject matter hereof in the interests of the infants interested therein and has approved of the application for the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to
mortgage.

1. The said William John Smith and Edward Smith, the executors of the estate of the said John Smith, deceased, shall have power to mortgage in fee simple the said lands in such manner and to such extent as they may deem best, and to confer on any mortgagee thereof a good title to the same as mortgagee in fee simple, subject to the rights and estate of Mary Smith, the widow of the said John Smith, deceased, under the will of the said John Smith, deceased, the mortgages to be settled and approved from time to time by the said official guardian, who is to execute the same for and on behalf of the said infants, and the costs of the official guardian of and incidental thereto shall be paid out of the estate in question, to be taxed by the proper officer of the High Court of Justice.

Existing en-
cumbrances
not affected.

2. Nothing in this Act shall be construed to affect encumbrances (if any) existing upon or against the said lands.

CHAPTER 107.

An Act to enable the Trustees, Executors and Executrix, under the Will of Richard Stubbs, to lease certain lands.

Assented to 5th May, 1894.

WHEREAS Richard Stubbs, late of the city of Toronto Preamble.
in the county of York, merchant, died on or about the 25th day of August, A.D. 1879, having previously made his last will and testament, duly executed, and bearing date the first day of August, A.D. 1879, in the words and figures following:—

This is the last will and testament of me, Richard Stubbs, of the city of Toronto, in the county of York, merchant, hereby revoking all former wills made by me.

I desire that all my just debts, funeral and testamentary expenses, be paid by my executors, hereinafter appointed.

I give, devise and bequeath to my beloved wife, Sarah Stubbs, all my real estate, of whatever description and wherever situate, to have and to hold the same for and during her natural life, and after her death I give, devise and bequeath to my son, Harry Garland Stubbs, all that land being composed of part of lot two, which is specified and laid down on a plan or survey of the front part of park lots nine and ten in the first concession from the bay, in the township of York, now in the city of Toronto, surveyed off in lots by the late James McCaulay, deceased, and called Teraulay, and which lands hereby conveyed, or intended so to be, may be better known and described as follows:—Commencing at the south-east angle of said lot two on said park lot number nine, fronting on Queen street in said city, on the limit between front of lot one and lot two, on the north side of Queen street, at the distance of two chains and fifty links from the said south-east angle of lot number nine, then on a course about south seventy-four degrees west along the front of said park lot fifty feet, then about north sixteen degrees west parallel to Yonge street and the east side of said park lot two chains, then about north seventy-four degrees east parallel to the front of said park lot fifty feet, then about south sixteen degrees east parallel to Yonge street and the east side of said park lot two chains, to the place of beginning. Also, all and singular, that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, and county of York, being composed of a part of lot eight, on the east side of James street, which said parcel or tract

tract of land and premises is butted and bounded or may be otherwise known as follows, that is to say: Commencing on the east side of James street at the south-east angle of the said lot number eight, which is at the distance of one hundred and thirty-one feet northerly from Queen street, thence northerly along the east side of James street thirty-three feet two inches and half an inch, more or less, to a point where the centre line of the southern wall of the brick house erected on the north half of said lot eight, on being produced westerly, would intersect the east side of James street, thence easterly along the said centre line of said wall and continuing easterly therefrom to the rear of the said lot eight, a total distance from James street of one hundred and sixty-five feet to a fence, thence southerly parallel to James street thirty-three feet two inches and half an inch, more or less, to the southern boundary of lot eight, thence easterly along the said southern boundary one hundred and sixty-five feet, more or less, to the place of beginning, to have and to hold the same for his own use during the time of his natural life and from and after his death to his children him surviving, but in case he die without children him surviving, then to his sister Elizabeth during her natural life, and after her death to her children her surviving, and after her death, in case she die without children, then to William King, Alexander King and Robert King share and share alike. I give, devise and bequeath to my daughter, Elizabeth Stubbs, all and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York, and Province of Ontario, which may be better known and described as follows, that is to say: Lots numbered ninety-two, ninety-one, one hundred and fifty-three and one hundred and fifty-two, as laid down in a plan of part of park lots numbers twenty-five and twenty-six in the Registry office of the city of Toronto as D 44. Also, all and singular, that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the said county of York, containing by admeasurement, one thousand two hundred square feet, be the same more or less, being composed of part of lot number ten on the south side of Louisa street, in the said city of Toronto, and being one of a range of lots surveyed by David Gibson, Esquire, deputy surveyor for Christopher Alexander Hagerman, Esquire, on part of park lot number ten, in the said city of Toronto, and which said parcel or tract of land is butted and bounded as follows: Commencing at the distance of one hundred and ten feet from the intersection of the east side of Elizabeth street with the south side of Louisa street, then east along the south side of Louisa street twenty feet, thence south parallel with Elizabeth street sixty feet, thence west parallel with Louisa street twenty feet, thence north parallel with Elizabeth street sixty feet to the place of beginning; And also, all and singular, those certain parcels or tracts of land and premises situate, lying and being

in

in the said city of Toronto, being composed of lots numbers one hundred and forty-three and one hundred and forty-four on the east side of Emma street, as laid down on a plan of part of park lot number ten made for James Lukin Robinson, registered in the Registry Office of the said city as "number 154." And also, all and singular, those certain parcels or tracts of land and premises situate, lying and being in the said city of Toronto, in the county of York, and Province of Ontario, and being composed of lots numbered 148 and 149 in a plan known as Plan D 44, south of Cedar street, which plan is registered in the Registry Office for the said city of Toronto; to have and hold the same for her own use during the time of her natural life, and from and after her death to her children her surviving, but in case she dies without children her surviving, then to her brother, Harry Garland Stubbs, during his natural life, and after his death, to his children him surviving, and after his death, in case he dies without children him surviving, then to William King, Alexander King and Robert King share and share alike. All the rest, residue and remainder of my estate I give, devise and bequeath to my wife, Sarah Stubbs. I appoint Alexander King, Hugh Yorston, both of the city of Toronto, merchants, and my said wife Sarah Stubbs, executors and executrix of this my will, and guardians of my said infant children, Harry Garland Stubbs and Elizabeth Stubbs, until they attain the age of twenty-one years.

In witness whereof I have hereunto set my hand and seal this first day of August, in the year of our Lord one thousand eight hundred and seventy-nine.

RICHARD STUBBS. - [L.S.]

Signed, sealed, published and declared as and for his last will and testament by the said testator, Richard Stubbs, in presence of us present at the same time, who, in his presence, by his request, and in presence of each other, have hereunto subscribed our names as witnesses.

H. A. REESOR,
of Toronto,
Barrister.

JAMES PEACOCK,
of Toronto,
Clerk.

And whereas a true copy of this said last will and testament has been duly proved and registered in the Surrogate Court of the county of York, and probate thereof has been granted by the aforesaid Court to Alexander King, merchant, Hugh Yorston, merchant, and Sarah Stubbs, widow, all of Toronto aforesaid, the executors named in the said will. And whereas the buildings on the lands in the said will mentioned on Queen street and on James street, in the said city of Toronto, are unsuited to the respective localities, and it is in the interest of the beneficiaries under the said will that a building

building lease of the said property be made. And whereas the said executors have, by their petition, prayed for the enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees and
executors
empowered

1. The said Alexander King, Hugh Yorston and Sarah Stubbs, as such executors and executrix as aforesaid, or the survivors or survivor of them, and the persons or person or corporation from time to time legally administering the estate of the said Richard Stubbs, or being trustee or trustees of the said estate, are hereby enabled and empowered;

to make
leases,

(1) To give and grant good and valid leases of the lands by the said will devised or of any part thereof for such terms of years, with such rights of renewal as they may see fit, reserving such rents as to them may seem right, and also such rights of re-entry and other rights as to them may seem right, and to enter into any stipulations as to them may seem right as to the rights of renewal or purchase of the buildings by the persons entitled under the said will to the said property, and for settlement of the valuations of the buildings to be erected on the said lands by arbitration and all other stipulations usually or properly contained in building leases;

to mortgage.

(2) To mortgage the said lands, or any part thereof, and the said buildings, for the purpose of purchasing the buildings erected on the said lands and premises, or any part thereof, the money borrowed on such mortgage or mortgages to be applied toward the payment for such buildings.

Leases and
mortgages
confirmed.

2. The said leases and all stipulations therein contained, and the said mortgage or mortgages and all stipulations therein contained, shall be binding upon all persons now or hereafter claiming any interest in the said land, or any part thereof, under the will of the said Richard Stubbs, in the same way as if each and all of them had been capable of contracting, and had contracted, as in the said lease or leases or mortgage or mortgages may be set forth.

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